

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

Exhibit E

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Transcription of Audio Files

20211021SJudiciaryRedistrictingSubcommittee11547_1

Runtime: 2:35:38

1 (Beginning of Audio Recording)

2 SENATOR RANKIN: -- order, and Ms. Ham
3 (phonetic) is our court reporter to the front
4 left. I think -- I don't know if you've
5 joined us before. If not, welcome back, and
6 so this is for, again, the -- taking
7 testimony on these plans. And the -- let me
8 introduce the sub-committee members again.
9 You're all familiar with everyone. I'm Luke
10 Rankin. I'm from Horry County, from Conway,
11 and I chair this committee and the
12 Redistricting Subcommittee. With us today,
13 Senator Chip Campsen by Zoom; Tom Young to my
14 left from Aiken; Senator Ronnie Sabb by Zoom,
15 Senator Margie Bright Matthews to my right,
16 Scott Talley, Senator Talley from Spartanburg
17 to my right, and, again, the ever quiet
18 Senator Dick Harpootlian to my left.

19 And as I've said over and over and it
20 bears repeating again, again, this is a
21 bipartisan group representing all parts of
22 the State. This is yet another meeting in a
23 succession of a number that we've had, the
24 first of which was on July 20th when we met
25 to organize. From the July 27th through

1 August the 12th, we held 10 public hearings
2 throughout the state to receive testimony
3 about communities of interest. Many of you
4 were there. Many of you participated or
5 witnessed by Zoom. We tried to make that as
6 open and transparent a process both for folks
7 observing but folks participating as well,
8 again, in person and/or remotely.

9 On August the 12th, we made the newly-
10 released census data available on our
11 redistricting website. Again, you're all
12 familiar with that.

13 September 17th we adopted downstairs a
14 subcommittee meeting, the guidelines and a
15 public submission policy, which, again, were
16 placed on that Senate redistricting website.

17 And then from the 17th of September
18 through October the 8th, we received public
19 submissions of the proposed Senate district
20 plans. We received a total of 12, 7 of which
21 are offered by someone we will hear from
22 later perhaps, again, but those plans --
23 again, those seven effectively variations on
24 a theme offered by one of those individuals,
25 again, likewise available on the

1 redistricting website.

2 Now, today we're going to take public
3 testimony on the submitted plans. We've got
4 a sign-in list of a number of people that
5 will be appearing by -- in person. Lynn
6 Teague, welcome back, Ms. Teague. She's been
7 either physically or remotely in attendance
8 at each of these directly or by proxy. To
9 her right, John Roof (phonetic), Brenda
10 Murphy, Leah Aiden with NAACP, Somil Trivedi
11 by Zoom, Elias Valentine (phonetic) by Zoom,
12 Michael Roberts by Zoom, John Sucovitch
13 (phonetic) in person, and Brett Bursey
14 (phonetic) -- Brett, where are you if you are
15 -- you may be here, you may not, but, anyway,
16 we will hear from him perhaps if he's here to
17 end.

18 The following two people submitted
19 State senate plan proposals that are not here
20 to testify. John Kralovitch (phonetic),
21 again, the individual who is here, he's the
22 gentleman who's presented seven, I think, is
23 that correct? Five. We're giving you credit
24 for two more, but, anyway, and then Theresa
25 Harper, Aiken County, which is the same plan

1 as Mr. Kralovitch (phonetic) we believe.

2 What do we do hereafter? What is the
3 future of this, and where are we headed in
4 the direction to the staff that we are going
5 to proceed with hereafter? And that, again,
6 after hearing from everyone through the
7 written and spoken word, we will continue to
8 receive comments from all of these sources on
9 the proposed plans and ideas for
10 redistricting. That information received
11 from all sources, the staff will then develop
12 a proposed plan for our consideration, the
13 subcommittee's consideration, which my hope
14 is that we will do shortly, that we will then
15 meet again and then to take that up
16 thereafter as well.

17 We have posted -- you got a public
18 notice, I think it was Friday, about
19 congressional plan submissions. We invite
20 those, again, using the portal on the senate
21 redistricting website. Again, we've already
22 received some congressional submissions, the
23 League of Women, NAACP and -- and Mr.
24 Roberts, but the deadline I would ask this
25 subcommittee to adopt for receiving public

1 submission of the proposed congressional
2 plans would be November the 1st. Does that
3 concept, that date, offend anyone, or do you
4 all, would you all support that as our
5 submission date? And, if so, could I hear a
6 motion to adopt that as the deadline.

7 MALE VOICE: So moved.

8 SENATOR RANKIN: All right. Moved.
9 Is there a second? All right. Second. All
10 in favor, say "aye."

11 MULTIPLE VOICES: Aye.

12 SENATOR RANKIN: All right. The ayes
13 have that. All right. So now we're going to
14 call on Ms. Lynn Teague and John Roof
15 (phonetic), if y'all will come up and we're
16 going to start talking about these plans. We
17 will not be here past 9:30 or 10:00 tonight.
18 Senator Harpootlian has a very distinct
19 dinner invitation. He cannot stay past a
20 certain time.

21 So, Ms. Teague, welcome. Mr. Roof,
22 welcome back. For purposes of us hearing
23 more clearly, please take your masks down, as
24 you are comfortable in doing so Ms. Ham will
25 be able to hear you as well. Welcome.

1 [Break in audio.)

2 SENATOR RANKIN: Ms. Howell

3 (phonetic), spoke at a public hearing, I
4 believe, did she not? Welcome back.

5 (Break in audio.)

6 MS. TEAGUE: Can you hear me? That's
7 better. Okay. Good. And another core
8 member of our team could not be here today,
9 and that is Matt Salzman (phonetic), who is a
10 mathematician and has been working on
11 analysis of maps with a team of fellow
12 mathematicians.

13 During the map-drawing process, we,
14 representing the League, attended Senate
15 public hearings, as you know. We're familiar
16 faces, watched video hearings we could not
17 attend, solicited input from local league
18 members across the state and received advice
19 and comments in a series of virtual meetings
20 with our redistricting advisory committee
21 members, who are a group of former public
22 officials, academics, and also
23 representatives of public interest groups.

24 So I'd like to begin -- we considered
25 all of that along with our criteria in

1 drawing our maps. And I'd like to begin with
2 some general observations about our resulting
3 maps. Our maps protect minority voting
4 rights while they do not artificially pack
5 districts with minority voters to dilute
6 their influence in surrounding districts.

7 Our districts prioritize faithfulness
8 to county and municipal boundaries. These
9 are important communities of interest in
10 themselves, and their protection in map
11 drawing was identified as a top priority by
12 practically every group that we consulted
13 including our independent consultants and our
14 local leagues across the state.

15 Our map includes 21 counties split
16 into more than one district and 47 cases in
17 which counties were split into multiple
18 districts. This is a substantial improvement
19 over the existing Senate map, which has 34
20 counties split 75 times. Our map also splits
21 fewer precincts than our current map. In
22 contrast to the 151 precincts split now, our
23 map splits only five precincts. Election
24 workers would be ecstatically happy to see
25 this happen.

1 Our map improves compactness over the
2 existing Senate districts even though this
3 was a relatively low priority for us. We did
4 not use voting history data in any part of
5 our map drawing and did not design districts
6 specifically to respond to that or for
7 competitiveness. Realistically, our map
8 provides more competitive districts than the
9 current Senate map but still gets a rating of
10 very bad on the Dave's redistricting
11 competitiveness scale, which defined
12 competitiveness as falling within the 45 to
13 55 percent outcome range. This reflects, we
14 believe, the extent to which underlying
15 demography shapes our districts.

16 And, finally, and very, very important
17 to us, safe districts are safe because they
18 are very unbalanced in their partisan
19 reference. The more extreme the imbalance,
20 the easier it is for representatives to focus
21 on a subset of their constituents, their most
22 reliable primary voters leaving others
23 ignored both in and out of campaign season.

24 This, in turn, leads to more extreme
25 politics, a grave danger to our state and to

1 our nation. We hope that by focusing on
2 drawing districts that realistically reflect
3 the varied composition in our communities,
4 our districts should produce less extreme
5 election results.

6 Even when a district isn't easily
7 competitive, candidates would have to
8 understand that the district could become
9 competitive with the right candidate and the
10 right campaign. There's no perfect measure
11 of this, but we can provide a basic
12 evaluation of our success on this.

13 We compared the partisan analysis
14 report results based on the Biden and Trump
15 results in 2020 for our League districts with
16 partisan vote gaps between major party
17 winners and losers in the 2020 Senate
18 elections.

19 In 19 districts, the League map
20 reduced the gap between parties significantly
21 while raising it in only five slightly.

22 Overall, in this comparison our
23 districts would be expected to produce a mean
24 difference in partisan outcomes for the major
25 parties of about 24 percent with a standard

1 deviation of about 16 percent. This contrast
2 markedly with the results of the 2020 Senate
3 election, in which the mean difference
4 between parties in all districts is about
5 twice as great, about 47 percent with a
6 standard deviation of 37 percent.

7 To be fair, we recognize that the 47
8 percent figure for current maps is skewed
9 upwards by races in which there was no major
10 party competition at all, presumably because
11 it was believed that it would be pointless,
12 that the district was sufficiently biased
13 that it would be pointless.

14 This leads to districts in which the
15 final number is around 97 to 98 percent for
16 the winner. Presumably, if someone from the
17 opposing party had won, they would have
18 gotten some votes, although presumably,
19 again, not that many. However, even if we
20 consider only those districts that had major
21 party competition in 2020, the Senate map
22 difference between partisan outcomes only
23 drops to a mean of 23 percent, not quite as
24 good as the figure that the league map
25 provides for the entire state.

1 We believe this matters. We believe
2 that having extremely homogenous districts
3 and great disparities between districts
4 artificially induced is harmful. It leads to
5 more polarization along with wasting votes.

6 These numbers show that the current
7 Senate districts have been drawn in a way
8 that intentionally makes them homogenous in a
9 way that deprives our general election votes
10 of meaning and exaggerates partisan
11 differences in our districts. We, therefore,
12 believe that our maps with their substantial
13 reduction in what are now very exaggerated
14 vote imbalances much more accurately reflects
15 our real communities and that representation
16 in the South Carolina Senate based on our
17 maps would be a very healthy thing for our
18 state and for our nation.

19 I will now turn this over to our
20 League member, John Roof (phonetic), who drew
21 our maps, to discuss some specific points of
22 interest.

23 MR. JOHN ROOF: Thank you. And I'm
24 going to go to our map, but by way of
25 introduction, this is my fourth round of

1 statewide redistrict -- the mic is over the
2 (inaudible). Back when I started doing this,
3 we did not have such fancy equipment.

4 This is my fourth round of doing
5 statewide redistricting. I began drawing
6 district lines back in the day of paper maps,
7 magic markers, and Lotus 1-2-3. And if you
8 don't know what Lotus 1-2-3 was, it's only an
9 indication that I'm much older than you.

10 In drawing our map this time, part of
11 the purpose for our submitting a map is to
12 model what we think fair map drawing is, but
13 it's also to try to provide you with
14 solutions, as you begin drawing your maps to
15 problems that you face. And we all face one
16 fundamental problem this time, and that was
17 we had 500,000 people we had to do something
18 with and that was going to change the map in
19 significant ways.

20 I was having a chat with Mr. Roberts,
21 whom I've worked with for many years in the
22 hallway, and we were discussing the fact
23 that, you know, many a time, as you're doing
24 this drawing the only criteria that matters
25 to you is where do I find those bodies to get

1 to plus or minus 5 percent deviation. And it
2 is a singular challenge to do that,
3 particularly where there have been
4 substantial changes.

5 As Ms. Teague noted, we tried to put
6 counties whole, as much as we could. Now,
7 it's important for you to understand that any
8 criteria you use you will violate because the
9 criteria for drawing maps are a set of
10 criteria often conflicting, often difficult
11 to implement, and so you do the best you can
12 but we have tried to -- to keep counties
13 whole.

14 You heard during your hearings
15 complaints about Saluda County and how it was
16 cut into three Senate districts. Saluda
17 County in our proposal is whole. It then --
18 District 10, which encompasses it and
19 Greenwood, then goes a little bit into
20 Lexington County. But that really, if you
21 take a close look, was trying to keep the
22 population in Lexington School District 3,
23 which flops over the county line into Saluda
24 together.

25 There -- we tried to keep

1 municipalities together. I'm sure Senator
2 Tallen (phonetic) has taken a close look at
3 our District 11, which does its best to make
4 Spartanburg whole. We had some folks in
5 Spartanburg who -- who said, you know, we're
6 chopped up into I think it's three Senate
7 districts now. Can you put Spartanburg
8 together? While, frankly, other folks said,
9 no, we like having three senators, and that
10 is a conflict you will find across the state
11 in different jurisdictions.

12 If you look at a map proposal and you
13 don't find districts that appall and offend
14 you, you haven't looked far enough because no
15 one is ever happy with any map proposal you
16 put forward. So these are suggestions.
17 We're not telling you that -- that somehow
18 this is the perfect map and that you should
19 adopt it. We'd take it if you adopted it,
20 but, clearly, any districting plan has places
21 where you do odd things.

22 We could point out District 43, for
23 example, which is Senator Campsen's district.
24 A lot of folks look at that and say, oh, my
25 God, it runs from Charleston to Beaufort. I

1 look at that and say that is the most
2 cohesive community of interest in the entire
3 state of South Carolina for a districting
4 map.

5 We tried to keep communities of
6 interest together as much as possible full
7 well recognizing that some indicia of keeping
8 a community of interest together, such as a
9 county run into other problems on communities
10 of interest. I'd point to our proposal on
11 Senate District 20, Senator Harpootlian's
12 district. We had lots of league members who
13 told us, I used to live up there towards Irmo
14 (phonetic) and Chapin, and it's a different
15 world than the other half of District 20.

16 But increasingly and historically we've kind
17 of tried to keep Lexington and Richland
18 apart, but increasingly across the river here
19 there is more and more community of interest
20 with folks from the university, folks
21 affiliated with university and state
22 government living across there. So we split
23 Richland county and brought Senate District
24 20 into Lexington County. In doing that,
25 part of our goal was also to draw a

1 Lexington/Richland School District 5
2 district. It's not perfectly that district,
3 but it is substantially that district. Now,
4 we have three school districts in Richland
5 County and one that, historically, has been
6 quite different from the others has been
7 Lexington Richland 5. And so what we drew
8 was -- was an LR5 district out that way,
9 crosses the county lines of the school
10 district, crosses the line. We had heard
11 complaints in Charleston about how Mount
12 Pleasant was split up so badly. Mount
13 Pleasant in our proposal is still a little
14 bit split, but the main part of the district
15 in District 34 is in Mount Pleasant. And
16 Mount Pleasant would have a Senator that
17 could be pretty much theirs.

18 These were the kinds of -- of issues
19 that we looked at, as we moved across the
20 state. We did have five split precincts.
21 Now, one of those you could go into Richland
22 County where we split one precinct just to
23 get to that magic number, and as I looked at
24 it afterwards, I discovered, well, we could
25 have gone and flipped another precinct. It

1 leaves you a little bit snaggletooth on the
2 border, but, you know, these are not art
3 exercises and if you move the -- if you flip
4 the briarwood precinct with the -- and I
5 can't even remember which precinct I split,
6 you can fix that in a minute.

7 The other four are in District 7 in
8 Greenville where our choice in a historically
9 African American minority-represented
10 district was to leave that district, as close
11 as possible to the existing district, which
12 split four precincts. In terms of some of
13 the reasons that you avoid splitting
14 precincts, including election confusion,
15 well, that all happened 10 years ago when you
16 -- when those lines were drawn. Folks now
17 know which district they live in, and so you
18 keep that district together.

19 I would point you to footnote nine in
20 the Colleton County v. McConnell case, where
21 the court there discussed split precincts and
22 basically said, look, we split some
23 precincts. You know what, if the General
24 Assembly doesn't like it, they can redraw the
25 precinct lines.

1 That is exactly what happened in
2 District 7 in a previous round of drawing
3 where the initial draw was fairly creative
4 about how it drew black population into
5 District 7, but what the Senate did was they
6 fixed that. They redrew the precinct lines,
7 so there was no longer that narrow effort to
8 bring Black population into the -- into the
9 district by, frankly, splitting the dickens
10 out of precincts in Greenville County.

11 If those four precincts that are split
12 in Greenville County trouble you, redraw the
13 precinct lines, it's been done in Greenville
14 before. That could be true in other parts of
15 the state. I would also caution you about
16 being careful to recognize and that footnote
17 nine has the same discussion in it, recognize
18 the difference between the VTDs that we use
19 as the indicia on that and precincts.

20 The VTDs are essentially drawn in the
21 latter part of the -- of the ten-year cycle
22 before new precincts are drawn in some areas.

23 So if you go into Horry County, y'all
24 did a bunch of changes of precincts in Horry
25 County in the last few years. If you go into

1 Berkley County, you have a bunch of changes
2 that make just using the VTDs, frankly,
3 obtuse, although I don't -- I don't think it
4 actually impacted any of our Senate lines.

5 So you should remember that because we
6 drew using the precinct lines, and you have
7 to be a little bit careful with that, too,
8 because the shape file that you'll be
9 provided by the precincts demographic office
10 at Revenue and Fiscal Affairs, it's a little
11 funky. The lines I'm inclined to believe
12 they draw them county-by-county, and then
13 when they put them all together, you have
14 places where this precinct in -- in
15 Spartanburg county will leak over into
16 Greenville County.

17 So you need to be careful of that.
18 We've run into problems with that in our --
19 in our attempts to analyze these plans where
20 you need clean lines. I think we're finally
21 there after I did a block-by-block edit, you
22 know, putting the both on census lines. The
23 other thing, of course, is lots of precinct
24 lines cross census lines so you have to deal
25 with all of that and just do the best you

1 can.

2 I see Mr. --

3 SENATOR RANKIN: A question to you,
4 and I (inaudible) suggests you're about to
5 wrap up and I'm not trying to hurry you
6 along, but is the -- do the precinct lines
7 not match the VTDs this time?

8 MR. ROOF: Not in Horry and not in
9 Berkley. Now you know, looking up precinct
10 changes --

11 SENATOR RANKIN: And that would be as
12 a result of -- of splits or combinations,
13 which more in our area in Berkley I would
14 suggest are splits.

15 MR. ROOF: Right.

16 SENATOR RANKIN: But that would be the
17 only reason, the only variation on the other
18 precinct lines across the state and VTDs.
19 Right?

20 MR. ROOF: The only other thing is
21 that since precincts aren't drawn along
22 census geography, they more often are these
23 days, but, you know, back in the day it was,
24 you know, where the old oak tree used to be
25 kind of lines. And so they're not perfect

1 representations, they are functional
2 representations, but there are places where
3 even in the others where they don't do that.

4 SENATOR RANKIN: Another real quick
5 question here if you don't mind, and, again,
6 if you're about to wrap up, I don't want to -
7 -

8 MR. ROOF: Getting close, yes.

9 SENATOR RANKIN: Go ahead.

10 MR. ROOF: Well, you know, it is
11 difficult for me to address a committee or
12 subcommittee of judiciary without having
13 Senator McConnell's voice in my head saying
14 that brevity is clarity.

15 SENATOR RANKIN: You're not listening,
16 I would suggest, real quick to help you,
17 perhaps, channel him a little more acutely,
18 the concept of pairing incumbents in the same
19 seat, again, it's not a foreign concept.
20 Some, perhaps, are more aggressive in doing
21 that in these plans than others. You pair
22 three districts with incumbents. Tell me,
23 briefly, how you square that with footnote
24 nine, again, whatever case law that we've got
25 and your overall plan.

1 Well, recognize that we don't believe
2 in incumbency protection in any form. As it
3 happens, I believe that I did not
4 inadvertently draw any senators into other
5 districts. I was -- I was close on Senator
6 Tallen at one point, but we flipped a couple
7 of precincts and I think he's back in the
8 district he currently represents now.

9 But other than that, almost by dumb
10 luck, we got the rest of you in your
11 districts. The other piece is, you know,
12 because of the population shifts, some
13 districts got collapsed, and if you collapse
14 a district, you're going to put some senators
15 in with other senators. In no way did we
16 seek in any way to harm an incumbent or help
17 an incumbent, but District 35 in Sumter
18 County was collapsed. If you're going to
19 draw a new district in Horry, which is where
20 that one went, you've got to collapse
21 something. If you're going to draw a new
22 district in York County, as we did, you've
23 got to collapse something. That was -- and
24 I'm trying to remember the number, whether
25 it's 24, 25 or 26, that is currently

1 represented by Senator Setzler. It got
2 collapsed. If you collapse a district, you
3 are in all likelihood going to put two
4 incumbents together. It was not a goal. I
5 mean if you looked at our House plan, we
6 basically drew that incumbent agnostic so I
7 don't know where the incumbents are there.
8 And our belief is y'all should draw incumbent
9 agnostic.

10 SENATOR RANKIN: All right. Thank you
11 so much.

12 MALE VOICE: Mr. Chairman?

13 SENATOR RANKIN: Questions by
14 (inaudible).

15 MALE VOICE: I've got basically three
16 questions, and the first one is sort of an
17 overarching question. John, as you know,
18 I've litigated a couple of these cases in the
19 past, and one of the issues since Section 4
20 has been repealed and therefore Section 5, we
21 don't have a retrogression analysis anymore,
22 do we?

23 MR. ROOF: No.

24 MALE VOICE: So the question becomes
25 in drawing this plan was there any sort of

1 Section 2 analysis done and if so, what?

2 MR. ROOF: Well, I had the opportunity
3 to look at -- at some racial polarization
4 analyses done by other folks. I mean as you
5 well know because you've heard me testify on
6 them, that's something I have testified to in
7 court on numerous times.

8 MALE VOICE: And I think I cross-
9 examined you a few times.

10 MR. ROOF: It could be, although I
11 thought it was Lee Parks who cross-examined
12 me.

13 SENATOR RANKIN: Maybe he'll play you
14 in the next movie.

15 MALE VOICE: Go ahead, I'm sorry.

16 MR. ROOF: So we looked at those
17 questions. I mean one of the concerns is,
18 ideally, in order to meet the Jingles test,
19 the first prong of which is can you draw 50
20 percent plus one district? It is no longer -
21 - plus one majority black district.

22 MALE VOICE: Right.

23 MR. ROOF: It is no longer possible in
24 a number of those districts unless we
25 completely throw out one person one vote to

1 draw majority black districts. I think you
2 will see that almost all of the districts
3 which currently have African American
4 incumbents, that we have majority minority
5 districts. And they are also districts in
6 which my professional judgment African
7 American voters have an equal opportunity to
8 elect candidates of their choice.

9 So is it specifically a -- a section 2
10 analysis on all of those? No, but it is
11 informed by a Section 2 analysis. It is
12 informed by the kind of racial polarization
13 analyses that I've done for years, and it is
14 also, I think, a question of fundamental
15 fairness and part of the criteria that we in
16 the League follow that we recognize that
17 Midori (phonetic) voters have an opportunity
18 -- having an opportunity to elect candidates
19 of their choice is a very important policy
20 position, and we tried to achieve that
21 through these districts, as much as we could.

22 MALE VOICE: So my second question
23 would be and let me say this, one of the
24 districts that you've collapsed resulted in
25 me being in a district with another

1 incumbent. Setzler and I are in the same
2 district, are they not?

3 MR. ROOF: Okay.

4 SENATOR RANKIN: You didn't know that?

5 MR. ROOF: Yeah, actually, if I
6 thought about it, I would, but like I say we
7 weren't trying to help anybody, weren't
8 trying to hurt anybody.

9 MR. ROOF: And -- and let me say this
10 I've looked at the other districts, and I'm
11 sure my fellow senators will disagree with me
12 on this. But it seems to me many of those
13 districts in which incumbents, and you did
14 have to collapse something over in Sumter
15 because they didn't have the growth of
16 population in Sumter that they had along the
17 coast. Horry County, Senator Rankin, has
18 exploded as I'm sure you've -- you understand
19 that's where the population -- so they should
20 get an additional Senate seat and perhaps the
21 area in the PeeDee should lose a senate seat
22 is what you decide. Is that correct?

23 MR. ROOF: Yes, yes.

24 MALE VOICE: So I have no problem with
25 what you did to my district, none whatsoever.

1 I think it's more compact as someone who's
2 had to represent people whose major interest
3 is what happens on Lake Murray, as opposed to
4 people whose major interest is what happens
5 in five points is almost schizophrenic. So
6 you have -- you have compacted that district
7 maybe to my political detriment, my personal
8 political detriment, but I think the district
9 you've drawn will be much more compact and
10 the people on the river, on both sides of the
11 river that share the river and you're talking
12 about you brought in West Columbia and then
13 you go up the Broad River and the school
14 district, all those things, much more
15 compact. And I want to thank you and commend
16 you for that even though it may result in my
17 political demise.

18 MR. ROOF: Well, worrying about my
19 political fortunes was not in my remit.

20 MALE VOICE: John I --

21 SENATOR RANKIN: And you're laughing a
22 little too aggressively, for the record not
23 without notice.

24 MR. ROOF: Either way.

25 SENATOR RANKIN: Right.

1 MALE VOICE: So there are other
2 districts, which you've put incumbents -- I
3 think it's a total of -- is it four districts
4 that have two incumbents in them?

5 MR. ROOF: District 17 --

6 MALE VOICE: 20.

7 MR. ROOF: -- 20 and I'm trying to
8 remember the --

9 (crosstalk)

10 MR. ROOF: -- in Sumter County,
11 McElveen is in -- probably with Senator
12 Johnson.

13 MALE VOICE: Yes, and that may be it.

14 MR. ROOF: I think so.

15 MALE VOICE: And you did that to make
16 them more compact because of population
17 shifts. This wasn't -- there wasn't any sort
18 of political motive here, none whatsoever,
19 okay. The -- the last thing I would ask you
20 is this, in doing this map, you used the term
21 plus or minus 5 percent, does that -- I mean
22 if we went to the one man plus one person
23 plus or minus that we have on congressional,
24 would it have made it better or worse for you
25 all in terms of what you're trying to do?

1 MR. ROOF: I find the as near to equal
2 population as practical in the Congressional
3 district context absurd, as a demographer.
4 You know, the census is a legal fiction. You
5 know, we assume that it is what it was on
6 whatever day the census was taken. I was
7 actually paid for the Senate to work with
8 Senator Pinkney on a -- on a school district
9 case in Jasper County where we ended up
10 fighting over three blocks that the census
11 said included 75 people.

12 At the -- at the time, we were
13 litigating that in 2015, there were 2,600
14 registered voters among those 75 people.
15 There's now well over 3,000. The census, in
16 fact, still says it's 2,600 people.

17 MALE VOICE: And you're dealing --
18 you're dealing with population. You're not
19 dealing with voters. You don't look at
20 registered voters.

21 MR. ROOF: No.

22 MALE VOICE: So it's purely the census
23 population that drives your numbers.

24 MR. ROOF: It's the legal fiction of
25 the census population, but it is a fiction,

1 and, you know, we should recognize that it is
2 a fiction to try to get to 0 or 1 or when you
3 look at our congressional maps, you'll see we
4 were at 3, which was in my judgment as close
5 to equality as practical.

6 The problem with drawing too closely
7 on those deviations is that you end up doing
8 a lot more split precincts than reason could
9 possibly bring you to.

10 I assisted Richland School District 1
11 when they redrew their lines this last
12 decade, and somebody, I suspect Mr. Roberts,
13 had drawn a plan for them at plus or minus 1
14 percent that split the bajeebers (phonetic)
15 out of precincts. And so the only changes I
16 made was to suggest to the school board why
17 don't we just eliminate all of these precinct
18 splits to come in with a higher deviation and
19 have zero precinct splits in that school
20 district.

21 MALE VOICE: Let me ask you one final
22 question, Mr. Chairman. You started off with
23 the benchmark that is the 2011 approved plan.
24 That's where you began.

25 MR. ROOF: You know, the reality is

1 there's no such thing as a benchmark anymore
2 since effectively Section 5 doesn't apply
3 here.

4 MALE VOICE: Well, I'm talking
5 factually, not legally. I mean did you --
6 did you start with the existing districts and
7 then adjust them to suit the criteria you
8 had?

9 MR. ROOF: No.

10 MALE VOICE: You just started from
11 scratch?

12 MR. ROOF: Yes. I mean I had the
13 existing plan there on the machine when I was
14 drawing not -- not up but available so I
15 could check in large part to try to get the
16 District numbers. There's no reason to just
17 willy nilly change district numbers, and so,
18 you know, the district numbers, as close as
19 appropriate. But, you know, part of the
20 reality is a lot of these districts
21 essentially draw themselves.

22 MALE VOICE: They don't need us?

23 MR. ROOF: Well, I mean go -- go look
24 at. If you start up in Oconee, you pretty
25 much get to where you always get.

1 MALE VOICE: Okay. Thank -- thank you
2 for answering my questions. Thank you very
3 much, Mr. Chairman.

4 SENATOR RANKIN: Anybody else? Thank
5 you all very much. Ms. Teague, you were
6 reading from something. I don't know whether
7 you submitted that document, but if you have
8 not, you're welcome to do so (inaudible).

9 MS. TEAGUE: I will submit it
10 digitally after the -- later today.

11 SENATOR RANKIN: You don't need to
12 transcribe (inaudible) -- I did not attempt
13 to cover Mr. Roof's comments in my written
14 version.

15 MALE VOICE 2: If I may, I'd like to
16 ask Mr. Roof, your last comment, you said if
17 you start in Oconee and started to draw you
18 would end up with what you always get. What
19 do you mean by that?

20 MR. ROOF: Well, I mean in Oconee,
21 Oconee is just shy of -- of the whole
22 district. So you take Oconee, you get a
23 little bit of -- of Pickens, and what I tend
24 -- what I have learned to do after 30-odd
25 years of doing this is don't start in one

1 corner and then you find yourself in a pickle
2 in -- in Horry but instead as much as
3 possible from towards the middle from the
4 edge because the ultimate limiter on us is
5 you can't bring in people from Georgie, you
6 can't bring in people from North Carolina,
7 and you can't bring in fish, so you might as
8 well start with where the limit is.

9 SENATOR RANKIN: Is that a catch limit
10 or a --

11 MR. ROOF: Yes.

12 SENATOR RANKIN: Thank you all so
13 much. Senator Young?

14 SENATOR YOUNG: Thank you.

15 SENATOR RANKIN: All right. Ms.
16 Murphy personally -- in person, I believe,
17 and Leah Aiden by Zoom. Welcome. Ms. Murphy
18 is coming on up.

19 And is Somil Trivedi

20 FEMALE VOICE: Virtually.

21 SENATOR RANKIN: Ma'am?

22 FEMALE VOICE: Virtually.

23 SENATOR RANKIN: Virtually, welcome.

24 Come on down. State your name for Ms. Hamm.

25 Please remove your mask if you're comfortable

1 so she can hear you clearly, and introduce
2 your guests that are presenting via Zoom.

3 MS. MURPHY: I certainly will. Good
4 morning. Good afternoon now. Chairman
5 Rankin and members of the subcommittee, am I
6 coming through clearly? My sinuses are
7 bothering me so it may sound a little muffy,
8 stuffy this morning. My name is Brenda
9 Murphy, and I'm the president of the South
10 Carolina State Conference of NAACP branches
11 here in South Carolina.

12 We are a state conference of branches
13 of the National Association for the
14 Advancement of Colored People, the NAACP
15 which you will hear me refer later just as
16 NAACP, a national civil rights organization.

17 The South Carolina NAACP was chartered
18 in 1939 and it is the oldest civil rights
19 group in South Carolina.

20 Consistent with the national NAACP
21 mission, we work on behalf of its members and
22 constituents to remove all barriers of racial
23 discrimination through engagement in
24 democratic processes and the enactment and
25 enforcement of federal, state, and local laws

1 securing civil rights, including laws
2 relating to voting rights, as well, and in
3 all, the South Carolina state conference
4 NAACP has 77 branches and over 13,000 members
5 in our state.

6 Thank you for the opportunity to
7 testify this afternoon. I am doing so on the
8 behalf of the association that I lead as well
9 as the coalition of groups including the
10 South Carolina NAACP, the NAACP Legal Defense
11 and Education Fund Incorporated and the
12 American Civil Liberties Union, ACLU, and the
13 ACLU of South Carolina, who formed in May of
14 this year to focus on redistricting at the
15 state and local levels. I am pleased to also
16 be joined by attorney Leah Aiden who is with
17 LDF and Somil Trivedi who is with ACLU, both
18 of whom will be testifying to provide more
19 details about our coalition, our proposed
20 state senate redistricting plans with
21 Attorney Aiden's submitted to this -- which I
22 think has been submitted to this committee by
23 Attorney Aiden, it was on October the 8th,
24 2021. Let me also recognize the two other
25 individuals that are with me today, two of

1 the vice presidents for the South Carolina
2 State Conference NAACP. They are Mr. -- Vice
3 President Henry Griffin and also Vice
4 President Marvin Neal (phonetic).

5 My testimony this afternoon will focus
6 on three primary points. Number one, the
7 affirmative obligation this subcommittee must
8 consider, as it assesses and proposes
9 redistricting plans; two, background
10 regarding our joint submission of
11 redistricting plans; and three, ensuring
12 transparency during all stages of the
13 redistricting process.

14 Number one, this subcommittee must
15 ensure compliance with the U.S. Constitution
16 and Section 2 of the Voting Right Act. As we
17 said in our letters of August, September, and
18 earlier this month, when this subcommittee
19 draws redistricting plans, it must comply
20 with the U.S. Constitution and Section 2 of
21 the Voting Right Act.

22 Under the Constitution, this
23 subcommittee must balance populations among
24 districts to meet its one person one vote
25 obligation. For the Senate every district

1 must come close to equality of population,
2 although there is some flexibility for
3 acceptable reasons. And the subcommittee
4 must also make sure not to violate Section
5 2's nationwide ban on racial discrimination
6 in voting fulfilling the one person, one vote
7 requirement.

8 The 2020 U.S. census results
9 demonstrate that South Carolina has
10 experienced significant population shifts and
11 growth during the past decade. These changes
12 require action to bring the districts for
13 South Carolina Senate into compliance with
14 the Constitution equal population mandate.
15 Senate district populations may deviate from
16 each other within a 10 percent range.

17 Having equal populations among
18 districts, as our letters explained, is
19 intended to ensure equal electoral power for
20 all voters and equal access to representation
21 for all people throughout our state.

22 Based on 2020 census data, numerous
23 state Senate districts exceed their
24 presumptively permissible range of population
25 deviation. Some do so by substantial

1 margins, for example District 16 is 32
2 percent over populated. It has nearly
3 36,0000 people too many to be a district. At
4 the same time, District 29 is 21 percent
5 under populated and has nearly 24,000 people
6 too few.

7 There are almost 60,000 new people in
8 District 16 than in District 29, but those
9 populations are each represented by one state
10 senator. Any map this subcommittee adopts
11 must address these apportionment issues, as
12 our proposed maps do, complying with Section
13 2 of the Voting Right Act.

14 Approximately 27 percent of our
15 state's people are Black according to the
16 2020 census, and among South Carolinians who
17 are old enough to vote, Black voters are
18 approximately 29 percent. To comply with the
19 Voting Right Act, you must create maps that
20 give us an equal opportunity to participate
21 in the electoral process and to elect
22 representatives of our choice, and you must
23 not minimize our vote.

24 In some cases, that will require
25 drawing single-member districts in which

1 Black voters are a majority, and in areas
2 where Black voters cannot form the majority
3 in a District, this subcommittee should
4 consider whether additional effective
5 districts are possible to allow Black voters
6 an equal opportunity to participate in the
7 political process and elect candidates of
8 their choice.

9 The committee must not minimize our
10 electoral strength by packing Black voters
11 into districts with unnecessarily high Black
12 populations or by cracking them into
13 districts with populations that are too low
14 to provide Black voters with the opportunity
15 to elect their preferred candidates.

16 In all circumstances, this
17 subcommittee should ensure the efficacy and
18 fairness of districts for Black voters and
19 all voters. Indeed, as you have seen and
20 will continue to see in hearing necessary
21 additional testimony by community members,
22 this is a paramount concern for our
23 constituents.

24 Satisfying this concern requires a new
25 and comprehensive analysis, similar to the

1 analysis that informed our maps. The jointly
2 submitted maps that we propose, satisfy all
3 of these three requirements and goals.

4 Additional considerations relevant to
5 proposed maps: Under the Constitution and
6 the Voting Right Act, you have an obligation
7 to conduct an analysis of these -- of these
8 districts and understand how they will work
9 for voters. Our maps to this end includes an
10 analysis of the following: the 2020 census
11 data including racial demographic data;
12 recent statewide and community-level voting
13 patterns, including racially polarized voting
14 patterns, how past and newly-proposed
15 districts may perform for voters; communities
16 of interest and other redistricting
17 principles like contiguity, compactness, and
18 other incumbent protection, and incorporation
19 of community members' feedback.

20 In doing so, developing our plans
21 requires careful analysis that is fact-
22 specific and context-specific. The
23 subcommittee should apply the same care in
24 assessing and creating its redistricting
25 plans. In short, this subcommittee must look

1 at the totality of the circumstances as the
2 court would do and to ensure it is not -- it
3 -- it is not diluting Black voters' ability
4 or any voters' ability to participate equally
5 in our State's political processes.

6 One circumstance this committee must
7 consider and take into account is racial
8 block voting. Racial block voting continues
9 to exist in South Carolina, and that means
10 that there is a continued pattern in
11 statewide and other election of candidates
12 preferred by white voters defeating
13 candidates preferred by Black voters.

14 For example, in the 2020 election for
15 U.S. Senate, 98 percent of South Carolinians
16 voted -- voters cast their ballots for Jamie
17 Harrison. However, only 25 percent of White
18 voters in that election voted for Harrison,
19 and he was defeated. We see a similar trend
20 in other statewide elections including the
21 2018 election for secretary of state and at a
22 local level in many parts of the states.

23 We have made some progress in South
24 Carolina, but we aren't there yet. We have
25 to be cognizant of our history and present

1 reality. That includes a record of racial
2 discrimination in voting that continues into
3 the present. South Carolina's 1895
4 constitution was a leader in the widespread
5 movement to disenfranchise eligible Black
6 citizens. Until 1965, the State enforced a
7 literacy test and a property test that were
8 specifically designed to prevent Black people
9 from voting, and after the Voting Right Act
10 enactment in 1965, South Carolina challenged
11 its constitutionality. During the years
12 before Shelby County, when South Carolina was
13 covered by Section 5 (inaudible) clearance,
14 discriminatory changes in voting practices or
15 procedures in South Carolina elicited over
16 128 objections from the U.S. Department of
17 Justice including at least 27 objections in
18 cases where a proposed state or local
19 redistricting plan had the purpose of or
20 would have the effects of diminishing the
21 ability of the citizens of the United States
22 on account of race or color to elect their
23 preferred candidate of choice.

24 The State has consistently employed
25 discriminatory rules, practices, and

1 redistricting schemes to deny Black voters
2 equal access to the political process. This
3 history, as our letters discuss, is
4 especially relevant, because the present
5 redistricting cycle is the first in over 50
6 years in which Black South Carolinians --
7 voters are unprotected by Section 5, the pre-
8 clearance process.

9 All of the maps we submitted,
10 including for the State Senate districts
11 address the 14th Amendment Equal Population
12 Mandate and Section 2 compliance and are
13 informed by -- excuse me, and are informed by
14 South Carolina voting patterns, history, and
15 other relevant data and information. Our
16 goal in developing these maps is to ensure
17 that all voters have access to representation
18 and Black voting power is not diluted in the
19 process, transparency during the
20 redistricting process.

21 The South Carolina NAACP and our
22 coalition view our proposed maps as the
23 beginning, not the end of this process.
24 These are not the only possible maps that
25 could satisfy the criteria I have discussed

1 today, and our maps do not purport to
2 incorporate the extensive community input
3 that is necessary to draft inequitable maps.
4 They are simply examples of maps that we
5 believe this subcommittee should consider.

6 The Senate must, therefore, continue
7 to facilitate this work and solicit community
8 feedback at all stages of the redistricting
9 process. To meet these objectives, the
10 subcommittee must provide meaningful
11 opportunities for the public to testify and
12 provide public comments on maps proposed both
13 by members of the public and by this
14 subcommittee, as well as emphasizing that the
15 public must have the opportunity to respond
16 and to -- to the proposed maps before any
17 such maps are finally -- finalized or
18 approved.

19 To this end -- to this end, this
20 subcommittee must provide all necessary
21 information about the redistricting process
22 moving forward. I ask this subcommittee as
23 we have asked in our previous correspondence
24 without receiving a concrete answer, when
25 does the subcommittee plan to proposes its

1 maps and what steps, if any, is the Senate
2 going to take to ensure that its timeline for
3 considering and approving maps will be
4 sufficient to allow litigation that may be
5 filed to be fully resolved before the March
6 30th, 2022, candidate's filling deadline for
7 the June 2022 partisan primaries.

8 In addition, when the subcommittee
9 plans to hold hearings on the U.S
10 Congressional District maps that members of
11 the public, including us submit, transparency
12 -- thank you -- transparency and robust
13 public input are necessary for this
14 subcommittee to meet its obligation to comply
15 with the U.S. Constitution, Section 2 of the
16 Voting Right Act and other redistricting
17 principles.

18 Based on the law, South Carolina's
19 recent history, and the Senate redistricting
20 guidelines, the Senate should revisit its
21 process immediately to make sure there is
22 time for meaningful consideration and
23 analysis for the public to digest its
24 proposed maps and for the courts to
25 adjudicate any constitutional claims in

1 advance of the 2022 election cycle.

2 I appreciate the opportunity to
3 provide these comments during the
4 subcommittee hearing today and look forward
5 to working together with members of this
6 subcommittee for the people of South
7 Carolina. Thank you.

8 I will now turn to Attorneys Aiden and
9 Trivedi to continue the remaining testimony,
10 and thank you for putting up with my sinus --

11 SENATOR RANKIN: You've done
12 beautifully. All right. Ms. Aiden or Mr.
13 Trivedi, you all are Zooming with us.

14 MS. MURPHY: Yes.

15 SENATOR RANKIN: We will beam you up
16 here in a moment, Scotty. Can you all hear
17 us?

18 MS. AIDEN: Yes. Thank you.

19 SENATOR RANKIN: All right.

20 MS. AIDEN: Are you ready for me?

21 SENATOR RANKIN: Welcome and unmute
22 yourself.

23 MS. AIDEN: I am unmuted. Can you
24 hear me? This is Leah Aiden.

25 SENATOR RANKIN: Have you checked to

1 see if you're unmuted. Our screen shows you
2 are muted. How about now?

3 MR. TRIVIDY: I was muting myself to
4 let Ms. Aiden go first. Can you hear me now?

5 MS. AIDEN: Yes, I can.

6 MR. TRIVIDY: Great.

7 SENATOR RANKIN: Bear with us. You're
8 going to tax s. Murphy and let her do the
9 full presentation, aren't you. We may have
10 to do sign language. My other-in-law could
11 interpret, but --

12 MS. AIDEN: I could also call in on my
13 phone and talk through my phone.

14 MR. TRIVIDY: I think they can't hear
15 us at all.

16 MS. AIDEN: Yeah, I think that's
17 right.

18 MR. TRIVIDY: Can we put it in the
19 (inaudible), I mean that might be weird, like
20 I think they are muted because we can hear
21 ourselves. Oh others here can so.

22 MS. AIDEN: I think they're on Zoom
23 with us.

24 SENATOR RANKIN: You read and spoke
25 beautifully. If you would like, we would ask

1 you to submit that, although the court
2 reporter has transcribed it. But if you'd
3 like to include your remarks, prepared
4 remarks in the record, we're happy to accept
5 that. All right. Ms. Aiden, try it again.
6 See if we can hear you.

7 MS. AIDEN: Can you hear me now?

8 SENATOR RANKIN: Nope.

9 MS. AIDEN: No.

10 SENATOR RANKIN: Mr. Trivedi? No.

11 MR. TRIVIDY: No.

12 MS. AIDEN: The public apparently can
13 hear us who are looking at it through stream.

14 SENATOR RANKIN: Can you hear me now?

15 MS. AIDEN: Yes.

16 SENATOR RANKIN: All right. But we
17 still can't hear you. That's the problem.
18 Do you have Ms. Murphy's telephone number,
19 her cell number?

20 MS. AIDEN: Yes.

21 SENATOR RANKIN: And Ms. Murphy -- now
22 we've got you.

23 MS. AIDEN: Oh, shazam.

24 SENATOR RANKIN: We were going to get
25 that cell number, and I was going to have all

1 kinds of fun with that thing but now we're
2 not. All right. Oh, don't talk quite so
3 loudly. All right. Now, can we hear you.

4 MS. AIDEN: I'm going to begin if
5 now's the time.

6 SENATOR RANKIN: Hold on one second.

7 MS. AIDEN: Sure.

8 SENATOR RANKIN: Can you try the
9 scale? Are you seeing the scale?

10 MS. AIDEN: You do not want to hear my
11 voice --

12 SENATOR RANKIN: That is perfect.

13 MS. AIDEN: -- my singing voice that
14 is. How about now?

15 SENATOR RANKIN: That is perfect,
16 perfect.

17 MS. AIDEN: Wonderful.

18 SENATOR RANKIN: All right. Just give
19 us -- what's your name?

20 MS. AIDEN: My name is Leah Aiden.

21 SENATOR RANKIN: Ms. Ham, can you hear
22 her? Okay. All right. So we may ask you to
23 turn your volume up a little on your side to
24 the degree that helps your mic. It may not.

25 MS. AIDEN: I'm as far up as I can go,

1 but I will project more.

2 SENATOR RANKIN: That is -- that is
3 perfect.

4 MS. AIDEN: Wonderful.

5 SENATOR RANKIN: All right. Mr.
6 Trivedi, can we hear you?

7 MR. TRIVEDI: Yes, sir. Yes, sir.
8 Can y'all hear me now?

9 SENATOR RANKIN: Very good. Very
10 good. All right. The floor is yours. I
11 would ask, again, you have submitted much
12 material, both of you, from the NAACP and the
13 ACLU. I would ask to the degree that we've
14 got it, you don't need to include it, again,
15 unless you want to touch on something that
16 you do not feel is sufficiently in the
17 record.

18 MS. AIDEN: Wonderful.

19 SENATOR RANKIN: All right.

20 MS. AIDEN: Yes, we'll keep it brief.

21 SENATOR RANKIN: Very good. Thank
22 you.

23 MS. AIDEN: Thank you.

24 MS. AIDEN: Good afternoon, Chair
25 Rankin, and members of the subcommittee. My

1 name is Leah Aiden, and I am the Deputy
2 Director of Litigation at the Legal Defense
3 Fund. Since our founding in 1940 by Thurgood
4 Marshall, LDF has been a leader in the fight
5 to secure, protect, and advance voting rights
6 of Black people and therefore all Americans.
7 And the Legal Defense Fund has been a
8 separate organization from the NAACP since
9 1957.

10 So thank you for this opportunity to
11 participate in this discussion this afternoon
12 about redistricting for the Senate. The map
13 for this body is important because as you all
14 know among other things it can be in place
15 for at least the next decade and determine
16 Black and other people's access to
17 representation and ability to have a say in
18 policy decisions that can transform their
19 lives. This is also South Carolina's first
20 redistricting cycle without the protection of
21 Section 5 of the Voting Rights Act, which has
22 played a critical role in prior redistricting
23 cycles in South Carolina in safeguarding
24 against retrogressive voting plans, that is
25 plans that reduce or minimize black voters'

1 ability to participate equally compared to
2 the existing plans. Without pre-clearance,
3 as we have conveyed to the subcommittee, you
4 must continue to facilitate a process that
5 complies with federal mandates that remain in
6 force including Section 2 of the Voting
7 Rights Act in the 14th and 15th Amendment's
8 prohibition on racial discrimination.

9 As President Murphy explained, LDF is
10 working in a coalition and I am here to
11 supplement President Murphy's testimony by
12 further explaining the proposed Senate
13 redistricting plan, which we jointly
14 submitted this past October 8th.

15 My colleague, Somil Trivedi, of the
16 ACLU is going to provide even more detail
17 about the plan. As we have stressed in our
18 correspondence over these last several
19 months, the Senate map must ensure -- this
20 subcommittee must ensure that the
21 subcommittee map it adopts complies with the
22 population equality principle to the extent
23 provided by law, and this is important
24 because the principle ensures access to
25 representation for all people.

1 The Senate also has an affirmative
2 commitment to comply with the constitution
3 and the VRA to protect the voting strength of
4 South Carolina's racial minority voters from
5 illegal vote dilution or other strategies
6 that minimize their voting power, and to be
7 clear, this body must conduct an analysis of
8 whether its districts comply with the
9 constitution and the VRA by considering at
10 minimum the data, voting patterns, the
11 history and current experiences of black
12 people in the State and more. The cover
13 letter we submitted, as you know, shares some
14 of that information that we have only begun
15 to consider in conducting that analysis.

16 In the letter, we share that because
17 of population changes over the last decade,
18 this subcommittee has to adjust Senate
19 district boundaries to comply with the text
20 and the spirit of federal and state laws and
21 principles. Our coalition's proposed maps
22 represent just one way of doing so. It --
23 the Senate plan that we submitted corrects
24 for population disparities that are across
25 the state. At the same time, it preserves

1 districts that we understand based on the
2 information available to us as of now that
3 these are districts that will also continue
4 to enable Black voters to elect their
5 preferred candidates whether they form the
6 majority of the district or less than a
7 majority in light of the voting patterns and
8 other indicia.

9 This is a critical point and shows
10 this committee one way to comply with its
11 affirmative obligations under the
12 constitution and Voting Rights Act, but in
13 drawing effective districts that serve Black
14 voters across the State, the Senate must not
15 mechanically employ demographic thresholds or
16 as President Murphy mentioned, pack Black
17 voters into districts with unnecessarily high
18 Black populations or crack them into
19 districts with unnecessarily low populations
20 that would be insufficient to provide Black
21 voters with the ability to elect their
22 preferred candidates.

23 I urge the subcommittee to also
24 consider the continued pattern of racially
25 polarized voting in statewide and other

1 elections. That is we continue to see
2 patterns in which the candidates preferred by
3 White voters defeat candidates preferred by
4 Black voters despite some White voter support
5 for Black candidate of choice.

6 President Murphy shared the results of
7 our analysis of the racial Black voting
8 patterns in the 2020 election for U.S.
9 Senate, but there are similar statewide
10 patterns that have existed in elections
11 featuring Black preferred candidates and
12 other key elections, such as in the recent
13 2018 elections for the secretary of state and
14 state treasurer.

15 For example, in the 2018 election for
16 secretary of state, the candidate Melvin
17 Whittenburg (phonetic), the candidate of
18 choice of Black voters in South Carolina
19 received only 23 percent of White voter
20 support and was defeated despite receiving 95
21 percent of Black voter support.

22 In the 2018 election for state
23 treasurer, Rosalyn Glenn (phonetic) the
24 candidate of choice of Black voters across
25 South Carolina received only 21 percent of

1 Black voter support and was defeated despite
2 receiving 95 percent of Black voter support.

3 Based on our preliminary analysis,
4 similar patterns also exist at the county
5 level in many parts of the state, which
6 federal courts have recognized have existed
7 during previous redistricting cycles too, and
8 as members of the subcommittee are likely
9 aware.

10 In closing, we view our proposed maps
11 as part of, not the end all of this process.
12 The senate map we have proposed is not the
13 only conceivable map that could satisfy
14 federal and state criteria. Nor does it
15 purport to incorporate all of the extensive
16 community input that is necessary to drafting
17 fair and non-discriminatory maps. It is the
18 example of a map that we believe merits this
19 subcommittee's due consideration and
20 incorporates the key analysis that should
21 guide the assessment and development of any
22 map this body considers seriously and
23 ultimately adopts.

24 I appreciate the opportunity to
25 provide these comments. I'm going to turn

1 now to Somil, to provide even more detail
2 about our maps, and then between President
3 Murphy, Somil, and I, we, of course, welcome
4 the opportunity to answer any questions today
5 or to get back to you with any answers to
6 questions that we may need to after the
7 hearing today. Thank you.

8 SENATOR RANKIN: All right. Thank
9 you, Mr. Trivedi, how am I doing on the
10 pronunciation?

11 MR. TRIVEDI: Pretty well, Trivedi,
12 but thank you so much.

13 SENATOR RANKIN: Trivedi, thank you so
14 much. I'll get started. Chair Rankin and
15 members of the subcommittee, good afternoon.
16 Again, my name is Somil Trivedi, senior staff
17 attorney at the American Civil Liberties
18 Union, which has worked since our founding
19 over a hundred years ago to protect the
20 sacred right to vote.

21 I appreciate the opportunity to
22 testify today about the importance of
23 redistricting and specifically the exemplar
24 map that the ACLU submitted to this body
25 along with our coalition partners at the ACLU

1 South Carolina, the South Carolina NAACP, and
2 the NAACP Legal Defense Fund. I want to
3 start by reiterating the caveat, bear with
4 me, that President Murphy and Ms. Aiden have
5 mentioned regarding both this map and the
6 process more generally.

7 First, we had limited time and
8 resources to produce this map before the
9 record closed. We would have loved to have
10 received even more community input, and given
11 our data analysts even more time and
12 information to work with, but in order to be
13 as helpful to this subcommittee as possible,
14 we submitted before the deadline.

15 Second, I'm just a lawyer. While I
16 can speak in broad strokes to the principles
17 we applied in creating this map and the
18 process we would like to see play out going
19 forward, I may not be able to answer more
20 technical questions about particular
21 districts or lines. That said, as Ms. Aiden
22 mentioned, we're more than happy to go back
23 to our folks and get you the information you
24 need. In fact, we hope you have more such
25 questions.

1 Finally and most importantly, the map
2 we submitted is not the be all end all. It
3 is not the only way to achieve a legally
4 compliant map. Rather, it is just one
5 example of a map that we believe does comply
6 with both the constitutional mandate of one
7 person, one vote, and Section 2 of the Voting
8 Rights Act.

9 We fully expect other interested
10 groups to submit ideas and maps, as you
11 mentioned earlier that would also be legally
12 compliant. Most importantly, we hope and
13 expect that this body will do exactly that,
14 using our maps, other maps, and even
15 additional maps from us down the road while
16 it draws its own. We also hope that this
17 committee will hold more hearings like this
18 one, to talk all of this over with the people
19 of South Carolina.

20 In other words, as we mentioned, we
21 hope this is the beginning of the
22 conversation and not the end. That said,
23 we're also cognizant that this conversation
24 must happen fast, and certainly in time for
25 maps to be drawn and scrutinized well in

1 advance of relevant election dates in 2022.
2 So with the need for both input and all due
3 haste in time, let me get started.

4 As I mentioned, we baked in a set of
5 principles into our maps that should be
6 familiar to the subcommittee and sound much
7 like the principles Ms. Teague mentioned and
8 Ms. Aiden and Ms. Murphy mentioned earlier.

9 First, we made sure that the map
10 complied with the constitution and relevant
11 election law. That means that it accounted
12 for the significant population growth and
13 shifts since the last census and made Senate
14 districts roughly equal in proportion. In
15 this way it complies with the bedrock
16 principle of one person, one vote, and it
17 also takes into account the prohibition on
18 gerrymandering built into the constitution
19 and the voting rights act, as President
20 Murphy explained. You'll be surprised to
21 hear that we did not gerrymander our map.

22 Second, we made sure that it comported
23 with traditional principles of redistricting.
24 For example, compactness. Based on either
25 the REOP (phonetic) or the (inaudible) Popper

1 Compactness Scores, each district in our map
2 is either as compact or more compact than
3 each district in the current map.

4 On contiguity, every district in our
5 map like every district in the current map is
6 contiguous.

7 The preservation of counties, the
8 current map keeps 12 counties whole and
9 intact. Our map actually keeps 13 counties
10 whole and intact. Put another way, the
11 current map splits 34 counties into two or
12 more districts, our's only splits 33 counties
13 into two or more districts, and, of course,
14 we value keeping communities of interest
15 together. Although to get that absolutely
16 right, you all should probably just download
17 Mr. Roof's brain onto a hard drive.

18 Third we attempted to show that you
19 can, in fact, account for population shifts
20 without harming the opportunity for Black
21 people to elect candidates of their choice.
22 We believe that this map achieves that goal.

23 So in closing, I want to reiterate
24 that this map is not meant to be a floor or a
25 ceiling. It's merely one example of a map

1 that complies with the constitutional command
2 of one person, one vote, plus Section 2 of
3 the voting rights act, and for those reasons
4 we hope you will take it seriously.

5 We are also happy to take input from
6 this committee and others in government, as
7 you undertake the process of drawing the
8 actual maps. If there's a line here or there
9 that doesn't make sense to you or a community
10 that could be better represented, we want to
11 know about it. And we hope that you want to
12 know about it as well.

13 And, finally, I want to reiterate the
14 importance of this redistricting process as a
15 whole. At a time when people of all
16 backgrounds and political persuasion have
17 questions about the vitality of our democracy
18 and the fairness of our institutions, this
19 body sitting here today in Columbia, South
20 Carolina, can be a beacon to the country of
21 how to run a government and its elections in
22 a fair, transparent, and constitutional
23 manner.

24 Lives and livelihoods depend on what
25 you do here in these next few critical

1 months. We hope and believe that you'll rise
2 to that occasion. Thank you, and I'm happy
3 to take questions.

4 SENATOR RANKIN: All right. Questions
5 of this (inaudible). I mean I want to ask
6 both Mr. Trivedi and Ms. Aiden, more
7 appropriately, you, Somil, since you last
8 approached this, you have great hope in us,
9 but for the record you and Ms. Aiden have
10 already filed suit in South Carolina in
11 federal court, correct?

12 MR. TRIVEDI: Yes, Mr. Rankin, but
13 respectfully, I would like not to acknowledge
14 that for the very fact that we are currently
15 in litigation, and I think it would be
16 inappropriate for me to answer any questions
17 about that.

18 SENATOR RANKIN: Well, I'm not old
19 enough for folks to assume that I know what a
20 country lawyer is, but I would suggest to you
21 that I am old enough and out of law school
22 long enough to know as a country lawyer would
23 -- would say here, I'm not trying to exchange
24 legal strategies or any of that, and, again,
25 not that we don't welcome the suit, but I

1 just can't help but noting that if we don't
2 get it right, you've got a backup plan that
3 would take us to Court to get a better plan,
4 correct?

5 MR. TRIVEDI: Yes, sir, it's fair to
6 acknowledge that there is a lawsuit on the
7 books.

8 SENATOR RANKIN: Right, and Ms. -- and
9 you're attorney of record in that suit,
10 correct?

11 MR. TRIVEDI: Pending my pro hac vice
12 motion, which is also a bit of a country
13 lawyer thing to say, yes.

14 SENATOR RANKIN: You said it well, and
15 I would attest to your ability to stand on
16 your feet or sit on your seat and represent
17 yourself well with this exchange as well.

18 SENATOR RANKIN: And, Ms. Aiden, you,
19 too, are an attorney of record on that suit,
20 correct?

21 MS. AIDEN: My last name is Aiden.

22 SENATOR RANKIN: I apologize.

23 MS. AIDEN: No problem. My family is
24 from Spartanburg, so the Aidens come from
25 Spartanburg, and I have a similar answer to

1 Mr. Trivedi. My pro hac application is
2 pending in Court in a case, yes.

3 SENATOR RANKIN: We welcome you and,
4 again, likewise with a little bit more home
5 cooking as a Spartanburg resident, surely
6 you will both be welcomed in South Carolina.
7 And, again, just for the record I wanted to
8 make sure I understood that.

9 And, Mr. Trivedi, you, speaking to the
10 plan, again you talk about the counties that
11 were split and yours being two better, I
12 think, or perhaps three better than the
13 current plan, however, you split precincts or
14 VTDs by 265, is that correct, under your
15 plan?

16 MR. TRIVEDI: Unfortunately, I don't
17 know if that number is correct, but splitting
18 precincts on that point, I would point to Mr.
19 Roof's testimony that that is fixable in a
20 way that other issues are not. But I can
21 absolutely get back to you on the total
22 number.

23 SENATOR RANKIN: Well, approximately,
24 and we hopefully have summarized that
25 correctly.

1 That fix compared to Mr. Roof's effort
2 would require a big eraser because they only
3 split 5 as I understand. So, again, as you
4 said, this is a work in progress. It's the
5 start, not the end, and I recognize that.

6 MR. AIDEN: Do you mind if I say
7 something on that?

8 SENATOR RANKIN: Please, please.

9 MR. AIDEN: I just want to let the --
10 you know, we attempted to minimize split
11 precincts, and we -- we can work on that some
12 more. I would note I heard from Mr. Roof's
13 testimony but this is also something that we
14 can go back and look at, the existing
15 benchmark map does split precincts, and there
16 have been past split precincts in cases that
17 were in plans that have been adopted by the
18 Court.

19 So we should try to minimize them, but
20 this body has used maps with split precincts
21 and courts have endorsed maps with split
22 precincts. They can be fixed, I think, as
23 Dr. Roof mentioned, and we should go about
24 seeing whether that is true. I also wanted
25 to note that they can be accommodated

1 administratively through lockouts. I don't
2 know if they're referred to as lockouts in
3 South Carolina, but there are ways to
4 administer elections where people vote at the
5 same precinct but have different candidates
6 on the ballot and that is possible to happen.
7 And there is case law that makes clear that
8 election precincts are not such important
9 political boundaries that they should negate
10 a districting proposal, particularly where
11 other key redistricting principles are
12 considered and complied with.

13 So we appreciate that, you know, note
14 about the split precincts, and it's something
15 that we will continue to pay attention to,
16 but among the many things that need to be
17 considered, it is among them, but not, you
18 know, at the highest level of things that
19 need to be corrected, necessarily.

20 SENATOR RANKIN: Right, and you guys
21 are both sharp people, no doubt, as is Ms.
22 Murphy. You recognize that that is one of
23 our standards that we have adopted, and so to
24 the degree that your great big and I'm saying
25 great, g-r-e-a-t, great big eraser allows you

1 to avoid that number of splits, again, in
2 keeping with our guidelines that would be
3 helpful.

4 Finally, to you, Ms. Aiden, your
5 comment at the outset in terms of packing or
6 stacking the concept, again, I think we all
7 understand, you would endorse this -- that
8 guidepost or goal, not just for our senate
9 plan that we will be drawing, but the
10 congressional plan as well, correct?

11 MR. AIDEN: Any maps that this body
12 considers, must -- there is no magic number
13 that needs to be met that ensures Black
14 voters' ability to elect their candidates of
15 choice with the caveat that the supreme court
16 does require you to seek out whether or not
17 there are diluted districts and whether or
18 not you can draw a district that is above 50
19 percent in the first instance to see whether
20 or not dilution is happening alongside the
21 voting patterns. But if that cannot be done,
22 there are definitely ways to draw districts
23 that do not minimize the ability of Black
24 voters to otherwise participate, and that
25 means not packing them or not cracking them

1 together. And I would say that, you know,
2 there is an obligation of this body to go
3 about and see what's possible and then
4 certainly to talk to community members that
5 were represented by the state conference and
6 others about what they want, right, so what
7 is possible and also what is it that people
8 want and what is it that people think will
9 work for their communities is the -- is a
10 conversation, too, that should affect the
11 numeric numbers in districts.

12 And, frankly, I would be remis if I
13 did not reiterate that there continues to be
14 racially polarized voting patterns throughout
15 South Carolina, so I mentioned the state
16 elections, but the patterns, we see those
17 patterns at the county level and we should be
18 aware of those that is a consistent pattern
19 that is across the state in recent elections,
20 and that needs to be in the forefront of this
21 body's mind, as it goes about looking at how
22 districts will -- will fare for Black voters
23 when they -- depending upon the numeric
24 numbers in a particular district.

25 SENATOR RANKIN: Great, and I know you

1 have read every comment in the record from
2 these ten public hearings. They are at your
3 disposal, and I would suggest to you that we
4 have heard very similar themes offered across
5 the state in the ten hearings that we've
6 heard in addition to others. All right.
7 Unless there are other questions by the
8 subcommittee members, Ms. Murphy, again,
9 thank you.

10 Gentlemen, these are your -- is this
11 your security detail?

12 MS. MURPHY: Yes.

13 SENATOR RANKIN: Very good. Y'all are
14 doing a fabulous job, gentlemen, keep her in
15 good health. Thank you all very much, folks,
16 from afar. Where are you all actually?
17 Where are you presently? Somil, where are
18 you?

19 MR. TRIVEDI: DC.

20 SENATOR RANKIN: Ms. Aiden?

21 MR. AIDEN: New York.

22 SENATOR RANKIN: Very good. You all
23 enjoy the weather. Peace.

24 MR. TRIVEDI: Thank you so much.

25 SENATOR RANKIN: Thank you all. All

1 right. We're going to go next to Elias
2 Valentine. I hope I'm doing that correctly,
3 and is Elias a Zoomer or an in-person
4 presenter?

5 MR. ELIAS VALENTINE: I'm on Zoom.

6 SENATOR RANKIN: And did I pronounce
7 your name correctly, sir?

8 MR. VALENTINE: Elias Valentine,
9 (inaudible), you were close, sir.

10 SENATOR RANKIN: Very good. I did not
11 have the second on my list. It was only
12 you're the number one, so not a junior for
13 you. I have a son, I've unfortunately
14 labeled him a junior, but everyone knows he's
15 the man. You likewise, surely, are the man
16 in the Valentine family. So, welcome, sir,
17 and blue dot (inaudible). Tell us a little
18 bit about yourself, and, again, we've got
19 your submission. I don't know if you are
20 going to want any of us to pull up any map
21 for you, but, again, I'm going to turn the
22 floor over to you. And for the record so the
23 court reporter will get you, give us a little
24 bit about yourself.

25 MR. VALENTINE: I want to thank you,

1 first, Chairman Rankin, and the other
2 members, Mr. Campsen, Mr. Young, Mr. Sabb,
3 Ms. Matthews, Mr. Talley and Mr. Harpootlian.
4 It's very important what you all are doing,
5 and I appreciate the opportunity to be able
6 to share a little bit about how we see the
7 redistricting process going.

8 My name is Elias Valentine, II. A lot
9 of people call me Eli in the world of
10 politics. I'm a Greenville resident. I've
11 been here on and off since about 2008. My
12 family is here, and this community and the
13 state is important to me. It's home.

14 I represent a small business
15 background. I represent a community
16 organizing background, and right now I have
17 the privilege and honor of serving as the
18 chairman of the Greenville County Democratic
19 party. Blue Dot FC where I submitted is a
20 small firm that I'm running trying to make
21 sure that we can see better representation in
22 our elected officials, which I know that you
23 all are trying to do through these meetings
24 here.

25 I wanted to really talk about why

1 redistricting is important to me. Being
2 involved in politics, seeing the day-to-day
3 struggles that people go through, but also
4 being in the office on election day and
5 during absentee voting period, and hearing
6 folks talk about the struggles that they
7 have, the confusion that they have, which
8 many of the previous testifiers have alluded
9 to.

10 To me, redistricting is about
11 restoration. We're restoring so much in this
12 process because we have new data and we can
13 make new decisions. We're restoring
14 confidence in this electoral system,
15 something that's really important because
16 there's been so much disinformation and
17 misinformation going on out there that
18 confuses voters.

19 We're also restoring the power to the
20 people, through a focus on communities of
21 emphasis, communities of interest, folks that
22 really need representation, and we're also
23 restoring competition, which will lead to
24 more effort, more engagement, more interest
25 in our body politic and will also lead to

1 better representation of our elected
2 officials to the electorate.

3 I think the process that all of you
4 are trying to do is to take this information
5 and restore balance, based on these new
6 numbers, fairness across the maps that were
7 going to be drawn and build in equity to
8 these communities that need it.

9 So many of the other panelists that
10 have testified before me have talked about
11 the communities of interest, the importance
12 that we need to have to have these like-
13 minded individuals or those that share
14 similarities on certain policy perspectives
15 be grouped together.

16 I have submitted a map, which I
17 believe is -- is a great start, again, not
18 the end all be all as so many other people
19 have said. You all have such a difficult job
20 ahead of you, and what I hope to do is give
21 you ideas, spark interest, and showcase
22 different ways that we can draw our map.

23 If you're looking at the map that I
24 submitted, the numbers don't correlate
25 specifically to what our current Senate

1 nomenclature is, or the numbering system is
2 but one of the things I wanted to highlight
3 is in our map we tried to, as so many others
4 have, tried to keep these communities of
5 interest together. Talking about counties,
6 how counties are contiguous and kept
7 together, the map that I submitted really
8 focuses on keeping a lot of our rural
9 counties together. There's some urban in
10 these counties, but the majority of these are
11 rural counties, counties like Dillon,
12 Marlborough, Darlington, Calhoun County,
13 Allendale, Hampton, McCormick, Greenwood and
14 Abbeville. All of these counties are kept
15 whole within the map that I submitted, and I
16 know some maps are going to have a county
17 slit up, and I know the current map that we
18 work through is going to have 34 counties
19 split up.

20 The intention that I had in trying to
21 come up with this map is trying to keep these
22 counties as whole as possible that could be
23 kept whole because they do share very similar
24 interests, issues, and policies.

25 I also really wanted to focus on

1 municipalities and when I could build into
2 these -- the map or the proposal that I
3 submitted keeping some of these cities
4 together. So Mr. Talley, I have the city of
5 Spartanburg not being split into multiple
6 districts. The city of Sumter is kept whole.
7 My city of Greenville is not split into three
8 districts, and one of the points that was
9 brought up earlier, Mount Pleasant is also
10 kept whole instead of being divided into
11 three Senate districts, which I'm sure there
12 were great reasons for. I think that's an
13 important community to keep together.

14 When looking at these, these
15 communities deserve to have representation
16 because their issues are going to be
17 different from the northern part of
18 Spartanburg versus the city, or in the city
19 of Sumter versus on the outskirts of the
20 county.

21 So we really tried to be able to keep
22 these communities solid and make sure their
23 interest is kept together.

24 I work in voter protection. The last
25 cycle my job was the deputy director of voter

1 protection. I've listened to folks get
2 confused on ballot styles, get confused on
3 where to vote. Our election commission often
4 doesn't communicate in the best possible
5 ways. One of the ways that I tried to
6 circumvent some of the issues that I've
7 experienced and that voters have experienced
8 and shared with me is not splitting any
9 precincts.

10 If you look at the map that I
11 submitted, there are no split precincts,
12 there's no census block cutting. I know our
13 current map has some split precincts, and
14 some of the earlier testimony talked about
15 the level of importance on where split
16 precincts are. I would disagree that people
17 know where they're supposed to go after ten
18 years. Come sit in the Democratic party
19 office and hear people call us and get
20 confused on where they vote. I would
21 definitely think that whether it's ten years
22 ago or last year, people are new, they're
23 moving into where I live, where you live, Mr.
24 Chairman, and that changes the knowledge base
25 that our electorate has. So in our map we

1 talked about not cutting and splitting
2 precincts and making sure that we can try to
3 remove some of these weirdly shaped or odd-
4 shaped districts, so in our current map
5 District 28, District 29, 31, 35 in
6 Spartanburg, 10 which borders Greenville,
7 178, 20 and 22, some of these are a little
8 odd-shaped. We talked about compacting
9 these, and we tried to address those issues
10 in our proposal.

11 And I know Senator Harpootlian talked
12 about the challenges he faces dealing with
13 someone all the way from Lake Murray all the
14 way on down to the City of Five Points.

15 We weren't able to do that with all of
16 the senators. As you all know, it's very
17 difficult to make a perfect map, but we tried
18 to think in the most responsible way and
19 remove some of the odder-shaped districts and
20 move them into more compact places.

21 Lastly, I really want to talk about
22 some of the changes that -- that I made
23 specifically that some of you might be aware
24 of. District 26, our new District 26 -- our
25 current District 26, excuse me, goes all the

1 way from West Columbia to Aiken where those
2 are very different folks that might need
3 different representation for the issues that
4 they are facing.

5 And District 17 in our apomorphine it
6 doesn't create communities of interest, so
7 we're really trying to focus on keeping these
8 communities of interest together, keeping the
9 power of these municipalities, so not
10 diluting the power of Greenville, not
11 diluting the power of Spartanburg, or Mount
12 Pleasant, tor the City of Sumter.

13 I appreciate the opportunity to share.
14 I believe in brevity. I also want to thank
15 your staff, chairman, and the staff
16 committee, who have been amazing to
17 communicate with, very responsive and
18 helpful. And the only one I'm mad at is
19 whoever put me behind Mr. Trivedi and Ms.
20 Aiden and Ms. Murphy, but that is what I
21 wanted to address today to you all, and I
22 would be happy to take any questions and talk
23 a little bit more about my process with
24 creating this map.

25 MALE VOICE: Okay. Mr. Valentine,

1 Chairman Rankin has stepped out of the room
2 for a moment, but he's coming back. In the
3 interim, I'm going to step in and chair the
4 subcommittee. I think we do have a question
5 from the senator from Colleton.

6 FEMALE VOICE: Thank you, Mr.
7 Valentine. First, you confused me a little
8 bit with the map, but that's okay. I think
9 you just wanted to wake me up a little bit
10 more just -- because of the numbering because
11 all of the sudden I see -- I would be lying
12 if I didn't say the first thing each of us do
13 is look at our own district, and I ended up
14 in Spartanburg and Senator Talley was
15 somewhere down my way. So we were a little
16 surprised, but then after reviewing it a
17 little bit more, I looked at some of the
18 considerations you had. In our public
19 hearings, as -- when we went down to my area,
20 a part -- at the time includes Jasper county
21 all the way to Charleston, which is six
22 counties.

23 One of the things that we heard was
24 just what you said, communities of interest
25 and like-minded concerns of those voters.

1 When we were in Beaufort for the public
2 hearing, the people of Sun City, and Sun
3 City, part of it is in Jasper and part of it
4 is in Beaufort. They talked about the
5 community of interest and likewise concerns.
6 They felt more in line with Hilton Head. Did
7 you take into consideration any of that as
8 well as the splitting of -- and I'm
9 compacting two questions, the splitting of
10 Colleton and splitting Hampton?

11 MR. VALENTINE: Yes, ma'am, and thank
12 you for the question, what we tried to do in
13 that coastal region is to exactly your point,
14 I listened to some of the -- I'm from the
15 upstate, so I wasn't able to get down to the
16 Beaufort meeting, but we tried to put some of
17 those more inland communities that did feel
18 more attached to those coastal communities,
19 who think and behave and want policies very
20 similar to those coastal issues, putting them
21 together as communities of interest and also
22 shrinking the district that you currently
23 serve in so that it wasn't as spread out and
24 splitting up some more of those communities
25 of interest.

1 when you look at your district now,
2 and I can apologize, again, for the numbers.
3 I will submit a map that would be much more
4 effective, and number it the way you all will
5 see it because I think that helps you as
6 well.

7 But I know just looking at the coastal
8 region, you can kind of see Charleston on
9 down is definitely different communities that
10 have different interests and what I tried to
11 do is make sure that we were trying to
12 obviously stay within the standard deviation
13 of population but try to group those
14 communities as tight as possible. I don't
15 know if I'm answering your question for you,
16 ma'am.

17 FEMALE VOICE: You are. You just gave
18 me a big concern. Not -- presently not my
19 district, and I represent right now six
20 counties, and that is very difficult because
21 if you attend the program at one end of your
22 district say in Jasper and there's another
23 event in Charleston, it's next to impossible
24 to make it and it's the time to travel. I
25 see the district right in the middle there,

1 and I get it that the middle of the state has
2 lost population where the outer areas have
3 gained, and I look at Calhoun, Orangeburg,
4 Bamberg, Colleton, Hampton, Allendale, and
5 Barnwell, that's one senator would have seven
6 counties. That's seven different delegation
7 meetings for those of you up here who only
8 have one, I have six different delegations
9 I'm a part of. And I just -- I'm concerned
10 that it makes it very -- and it speaks to
11 your concerns, it makes it very difficult to
12 govern and represent such a vast
13 constituency. Do you agree?

14 MR. VALENTINE: Yes, ma'am, and I
15 think not only the travel on the elected
16 official, but trying to balance all of those
17 interests and then coming to your body and
18 voting, you're going to be affecting your
19 community in a lot of ways when different
20 parts of your community want different
21 things, so I think that's a huge component.
22 And, again, when you're drawing maps, nothing
23 is perfect, but you try to minimize that as
24 much as possible.

25 FEMALE VOICE: Thank you.

1 MALE VOICE: Thank you. All right.
2 Any other questions for Mr. Valentine? If
3 there's not, we want to thank you for your
4 testimony and your submissions to the
5 subcommittee.

6 MR. VALENTINE: Thank you all very
7 much.

8 SENATOR RANKIN: Michael Roberts by
9 Zoom.

10 MALE VOICE: Chairman Rankin has
11 returned.

12 MR. MICHAEL ROBERTS: Hello. Can you
13 hear me?

14 SENATOR RANKIN: Yes, sir. Welcome,
15 Mr. Roberts.

16 MR. ROBERTS: Hello. Hi, members of
17 the Senate Judiciary Committee. My name is
18 Michael Roberts. I'm 24 years old, a five-
19 year barista at Starbucks Coffee Corporation,
20 and a resident of Columbia County where I am
21 a student at the University of South
22 Carolina. My major is in economics, and my
23 minor is in data science.

24 I'm here today with the goal of
25 discussing several aspects of redistricting

1 that I've heard the people of South Carolina
2 mention in the meetings over the past couple
3 of months, as well as how these aspects of
4 redistricting should and can be considered
5 along the economic impact of redistricting
6 unfairly.

7 Historically, the Supreme Court from
8 1964 with the Reynolds versus Simms case
9 through 1983 with the Cartcher (phonetic)
10 versus Daggett case, laid out the standard
11 that we all now know with one person one
12 vote. This means that Districts have to be
13 approximately equivalent in population for
14 them to be constitutional.

15 My map meets these requirements, as
16 well as the requirements laid out by what's
17 called the Gingles (phonetic) criteria from
18 the 1984 case, Thornberg versus Gingles
19 (phonetic). With these cases along with
20 several more in the year since 1964, we have
21 come to an understanding about what we now
22 call the classical condition that needs to be
23 met by the District.

24 The issue we're really discussing here
25 with these redistricting proceedings all

1 right eon the trade-offs we will make
2 (inaudible) the population. I would like to
3 note that my map that I submitted has a 2.59
4 population -- percent of the population
5 deviation, which is well within the 10
6 percent threshold that's been accepted by the
7 courts, and I believe is actually pretty
8 similar to the other maps that have been
9 submitted.

10 Now, aside from population, these
11 principles that we've been discussing involve
12 factors such as maintaining the compactness
13 of the district, making sure the district is
14 competitive, maintaining communities of
15 interest, and what I think is the most
16 important personally, which is minimizing the
17 splitting of the counties.

18 Now, the map-making tool that was used
19 for the map that I submitted to the
20 committee, is called Dave's redistricting.
21 It's available for free for use by the
22 public. Organizations such as the well-known
23 538 and others have used this software for
24 drawing districts in the past.

25 Since I have now laid out how the map

1 I've submitted meets all the primary concerns
2 and criteria, let me bring the conversation
3 back to those redistricting trade-offs. From
4 all of the meetings and public hearings I
5 have been watching over the past couple of
6 weeks and months, I've actually noticed that
7 most people in South Carolina are actually in
8 agreement and there's a consensus on
9 redistricting. We all want the process to be
10 fair. The challenge that those of you on the
11 committee now face knowing that this is the
12 case is that everybody has a different idea
13 of what constitutes fair.

14 I'm here hoping to offer a different
15 perspective on fairness than others have
16 brought to the table on these discussions.
17 Those who have spoken to the committee have
18 all brought up the moral obligation that you
19 have to be fair. Set aside just your moral
20 obligation for one moment, and let me speak
21 to the economic impact that unfair
22 redistricting has on our community.

23 Recent economic impact studies over
24 the past three years or so have shown that
25 unfair redistricting does have an effect on

1 economic outcomes. One study, in particular,
2 that I will be referencing is a study titled,
3 "Crossing the District Line: Border Mismatch
4 and targeted Redistribution." It was written
5 by Professor Allison Stashco (phonetic) from
6 the University of Utah and implements data
7 from many states across the entire country,
8 including our own state.

9 Her study has demonstrated the
10 economic impact that border mismatch between
11 drawing district and county lines has people
12 in the area has on people in those areas.
13 The primary issue discussed in the study lies
14 in the fact that legislators represent their
15 constituents at the district level but can
16 only allocate funding typically at the county
17 level, and allow me to explain something
18 really quickly.

19 The amount of funding the county
20 receives is a function in part of the share
21 of voters in each district that intersects
22 that county. This means the county's own
23 outcome depends heavily on the voting
24 eligibility of the people in that area as
25 well as turnout rate of neighboring counties

1 that share that same district.

2 This may seem complicated to a lay
3 person, so allow me to give a specific
4 example. A county with a high turnout in
5 this system will be better off being split
6 into many districts. This method leads to
7 them having a disproportionate level of
8 voters in each district relative to the
9 county's actual population.

10 Just for clarification's sake, let it
11 be known that the opposite proves true for
12 counties with lower turnout.

13 Let me end this portion of the
14 presentation with the key takeaway from the
15 study, the 100 percent increase in the number
16 of representatives per county is associate
17 with a 13 to 32 percent increase in transfers
18 from state to local gentleman. I will be as
19 clear as possible in what this actually means
20 for fairness. When our legislators craft
21 unfair districts for political reasons, it
22 creates distortions and spending at the local
23 level.

24 This means that there is inefficiency
25 in our market and creates what's commonly

1 referred to dead weight loss. Fairness
2 actually leads to better economic outcomes
3 because it leads to less inefficiency and
4 spending.

5 Finally, allow me to get for the last
6 time back to the trade-offs between these
7 classical redistricting principles that we
8 will have to make during this process and how
9 I've chosen to make them during the process
10 of submitting a map to this committee. The
11 reason I chose Dave's redistricting over
12 other map-making software is because it has
13 easy to comprehend analytics tools. if you
14 look up here, there's a diagram behind me,
15 and anyone can actually pull up this diagram
16 when looking at maps, and you can actually do
17 a one-to-one comparison of any map that you
18 would like.

19 The one that you can see behind me in
20 green shows the last map that was done for
21 the Senate, and if you look at the orange
22 section, that actually is the map that I
23 submitted.

24 As others have said, the map I
25 submitted is not the end all be all.

1 However, I do think that there are unique
2 benefits to the trade-offs that were made in
3 the manner I chose to do so for this map.

4 So those -- those criteria that we
5 looked at once again, our competitiveness,
6 maintaining communities of interest,
7 maintaining proportionality of representation
8 and minimizing the splitting of counties,
9 this one in particular I do think is very
10 important, especially with us coming out of
11 the coronavirus pandemic. I want us to be
12 able to recover and be competitive with other
13 states, so if there's inefficiency with our
14 local spending that's going to cause us lots
15 of problems.

16 The reason I believe my submission to
17 be the most fair is because it manages to
18 make improvements in minority representation,
19 make large improvements to both
20 proportionality representation and most
21 importantly to minimize the splitting of
22 counties.

23 There's one area that I actually
24 wasn't able to manage to make improvements
25 in, that was compactness. I do believe that

1 those are fair trade-offs because I did
2 maintain about the same level of compactness
3 that was used for the previous map.

4 Traditionally, these trade-offs are
5 made between maintaining these principles,
6 but I believe the map I submitted manages to
7 not only maintain them but also make large
8 improvements in most areas.

9 Thank you all for taking the time to
10 listen to my concerns and for accepting my
11 submission. I'll be turning in a copy of the
12 study I've been referencing during this talk
13 to the committee via your website if you'd
14 like to have a chance to look over it.

15 If anybody has any questions or
16 comments, I'm more than happy to ii.

17 SENATOR RANKIN: All right. We have a
18 question. Senator?

19 FEMALE VOICE: Mr. Roberts, just a
20 quick question, can you give us a reference
21 for the program that you used to draw your
22 maps?

23 MR. ROBERTS: Could you clarify
24 please?

25 FEMALE VOICE: Did you say Dave's

1 redistricting?

2 MR. ROBERTS: It's a free tool online.

3 It's open for anybody to use. I believe
4 somebody in this meeting actually referenced
5 it earlier.

6 FEMALE VOICE: Dave's Redistricting?

7 MR. ROBERTS: Yes, ma'am, it has very,
8 very easy to understand analytics tools that
9 lets you do pretty good one-to-one
10 comparisons. I'm just a student. I don't
11 have lawyers or big organizations backing me.
12 I just took an interest in this process and
13 wanted to submit to you what I believe to be
14 important for this process.

15 FEMALE VOICE: I appreciate it. Did
16 you in reviewing your map once it was
17 finished, I noticed you referred to minority
18 representations. Did you also make an
19 analysis of the number of current senatorial
20 districts that ended up collapsing as a
21 result of your map?

22 MR. ROBERTS: I believe what you're
23 asking is about relating to incumbency, a
24 question such as other questions that have
25 been asked. I actually didn't look at

1 incumbency during this process. I mainly
2 focused on the splitting of counties. I do
3 think that has the biggest economic impact,
4 and that's just the perspective I chose to
5 bring to the table here.

6 FEMALE VOICE: Thank you.

7 MR. ROBERTS: Yes, ma'am.

8 SENATOR RANKIN: All right. Any other
9 questions? All right. Mr. Roberts, thank
10 you so much. 24 years old, is that right?

11 MR. ROBERTS: Yes, sir.

12 SENATOR RANKIN: Good man. Very good.
13 All right. Unless there are other
14 questions, we will now move on to the --

15 MALE VOICE: Mr. Chairman, can I ask -
16 -

17 SENATOR RANKIN: Don't leave yet.
18 Come back to us, Mr. Roberts. Come back.
19 We've got another question.

20 MR. ROBERTS: Of course.

21 MALE VOICE: Mr. Roberts, thank you.
22 Are you a political science student at USC?

23 MR. ROBERTS: No, sir, I'm an
24 economics major. I minor in data science.
25 I'm passionate about local government, and

1 I'm trying to get more involved.

2 MALE VOICE: And do you live -- I
3 heard you say Columbia County. Do you live
4 in Augusta?

5 MR. ROBERTS: I'm from Senate District
6 21, House District 80 and Congressional
7 District 6. I live off of Garners Ferry
8 (phonetic).

9 MALE VOICE: Okay. So you live in
10 Richland County?

11 MR. ROBERTS: Yes, sir.

12 SENATOR RANKIN: Very good. All
13 right. Mr. Roberts, thank you.

14 MR. ROBERTS: Of course, thank you for
15 giving me the time.

16 SENATOR RANKIN: Yes, sir. Very good.
17 John Sukovitch (phonetic) likewise by Zoom.
18 No, he's here, and coming on down. Welcome,
19 sir.

20 MR. SUKOVITCH: Thank you very much.
21 (break in audio).

22 SENATOR RANKIN: Very good. I'm twice
23 berated today on name pronunciation. Is "we"
24 the gentleman with you in the same tribe as
25 you?

1 MR. SUKOVITCH: (inaudible).

2 MR. MATT GREEN: I think it's on now.

3 There. My name is Matt Green. I'm just a
4 GAI specialist who helped him produce the
5 map.

6 SENATOR RANKIN: Great. Sir, the
7 floor is yours.

8 MR. SUKOVITCH: Great, I'm going to
9 try to keep my --

10 SENATOR RANKIN: And introduce
11 yourself for the record for Ms. Ham if you
12 will and pull that mic down a little closer.

13 MR. SUKOVITCH: My name is John
14 Sukovitch (phonetic). I live in Newberry and
15 I am the representative from Newberry County
16 to the South Carolina Democratic Party
17 executive committee, and also the
18 representative from the Congressional
19 District to the executive council.

20 SENATOR RANKIN: Pull the mic a little
21 closer to your --

22 MR. SUKOVITCH: How is that, better?

23 SENATOR RANKIN: Yes, sir, welcome.

24 MR. SUKOVITCH: Do I need to repeat
25 anything?

1 SENATOR RANKIN: No, sir.

2 MR. SUKOVITCH: I'm going to try to
3 keep my points pretty short today, because
4 I'm a retired college professor and over my
5 career I think I learned a little bit of
6 something about the limits of the human
7 attention span.

8 SENATOR RANKIN: What is it in your
9 experience?

10 MR. SUKOVITCH: Excuse me?

11 SENATOR RANKIN: What is the length of
12 the attention span?

13 MR. SUKOVITCH: Pretty short.

14 SENATOR RANKIN: Minutes, give me
15 minutes. What do you --

16 MR. SUKOVITCH: It depends on what I'm
17 covering, and it depends on what time of the
18 day the class is, and the best I can hope for
19 is about half an hour, maybe 45 minutes. And
20 that's about the way it goes, and you do
21 unfortunately have to work to keep their
22 attention.

23 SENATOR RANKIN: Is that with
24 commercial breaks, that 30 to 45-minute?

25 MR. SUKOVITCH: No, that's generally

1 the length of -- well, 50-minute classes, and
2 then you switch over. Our lab classes were
3 like 90 minutes, and of course they were
4 paying attention to computers, they weren't
5 listening to me except for maybe brief
6 periods when I was trying to explain
7 something.

8 But there, again, my background in
9 teaching is business computer applications.
10 GIS is a completely different specialization.
11 I did not produce this map, Mr. Green did,
12 and he has explained to me some of the major
13 points.

14 The current map that exists has over
15 300 split precincts, something like 306 from
16 what I understand, and those split precincts
17 cause problems. First of all, it's expensive
18 for the voting commissions to produce all of
19 the different ballots that have to be
20 created.

21 Second, it creates a lot of confusion
22 on the part of the voters, and as somebody
23 just mentioned a few minutes ago, people
24 moving into the area really do not understand
25 where they are supposed to vote, and dividing

1 up the precincts even more does not help the
2 matter at all.

3 This removes odd-shaped districts,
4 county and city splits are reduced. The
5 point that I want to make is that what this
6 focuses on is keeping communities of common
7 interest together. And I think you'll agree
8 that rural communities have a lot more in
9 common with each other than large urban
10 areas.

11 And what this map does, map number
12 one, is to keep counties together, rural
13 counties together, allow them to work
14 together rather than having their
15 representation split between themselves and
16 with larger, more urban areas. I'd like to
17 over you an example of what's going on right
18 now, ARPA funds, American Rescue Plan Act.
19 As you probably are aware, it was divided
20 into two packages, the first of which goes to
21 the urban areas. And that's -- they go
22 directly to those areas. There is no
23 intermediary.

24 On the other hand, the smaller, rural
25 communities are called non-entitlement units,

1 and those funds go to the State, which then
2 decides how they are going to be used,
3 distributed as a matter of fact.

4 If a rural community, say for example,
5 Newberry County, if a large chunk of Newberry
6 County were to be joined with an urban area
7 in, say, for example, either Richland County
8 or neighboring Lexington County, what happens
9 there? There's a good possibility that the
10 interests of the rural area are going to be
11 subsumed by the interests of the urban area.

12 And quite honestly the chances of
13 having someone elected from the rural
14 community are considerably diminished just by
15 the matter of economics, who's got the money
16 to elect people and who's got the money to be
17 able to run.

18 So our focus is on keeping those
19 communities of common interest together, and
20 Map Number 1 does that. And I think it does
21 it to a great degree. For example, if you
22 look at Saluda County, it's whole. Newberry
23 loses a small piece to Richland County,
24 apparently, this is District Number 29.
25 District 29 is rural areas of Newberry County

1 Saluda County, and rural areas of Lexington
2 and Aiken County as well, there again,
3 protecting those and keeping together those
4 communities of common interest.

5 So this is not only true in the ARPA
6 funds case, but there are a number of
7 situations that are coming up right now. I'm
8 in the process of preparing a couple of
9 articles for the local newspaper talking
10 about fire and rescue. There is growing
11 concern about the adequacy of fire and rescue
12 in the rural communities. Why? Because they
13 are heavily dependent on volunteers, and
14 volunteers just aren't showing up in the
15 numbers that they used to.

16 Jobs have changed. Responsibilities
17 have changed. Sooner or later -- it's not
18 only Newberry County, from what I understand,
19 it is a statewide and even nationwide problem
20 that is going to be coming up.

21 The cities generally have, like
22 Newberry for example, they have 18 full-time
23 professional firefighters. I live five
24 minutes from the local city fire department.
25 I'm just outside the Newberry City Districts.

1 There is an industry, as a matter of fact,
2 that has recently come to Newberry County
3 that is dependent on volunteer firefighters.
4 Sooner or later, it's going to become a very
5 apparent problem, and we hope that it can be
6 recognized at the state level. We're going
7 to need state support in dealing with that
8 kind of a situation, and that's why I think
9 it's important for rural communities,
10 especially, in the redistricting to have the
11 power to have the say so in what happens at
12 the state level especially in doling out
13 money and commanding interest from the
14 legislature. That's pretty much my points.
15 If you have any questions about the actual
16 construction of the map, I'll pass that along
17 to Mr. Green.

18 MALE VOICE: Mr. Chairman? Thank you.
19 I have a question. You mentioned or Mr. --
20 is it Sukovitch?

21 MR. SUKOVITCH: Sukovitch, yes, thank
22 you.

23 MALE VOICE: You mentioned Map 1. I
24 have one map in my notebook. Did you submit
25 more than one map?

1 MR. SUKOVITCH: Okay. That's for our
2 purposes. Which map are you talking about?

3 MALE VOICE: Is there more than one
4 map that you submitted? I have one map.

5 MR. SUKOVITCH: One map, yeah, yeah,
6 if you'll take a look at District 29 is what
7 I'm talking about there. And if you break it
8 down, it is broken down on mine, and it shows
9 --

10 MALE VOICE: I have a question about
11 District 19 on your map.

12 MR. SUKOVITCH: Mr. Green, would you
13 like to address that?

14 MR. GREEN: Yeah, I can do that.

15 MALE VOICE: As I look at it, it looks
16 like it goes from the outskirts of the City
17 of North Augusta in Aiken County, all the way
18 to the Charleston side of Ridgeville, just
19 outside the city limits of Summerville. Tell
20 me how you came up with that map.

21 MR. GREEN: That was accomplished by
22 keeping a many counties as are whole here and
23 connecting with other rural parts of
24 Dorchester and Aiken.

25 MALE VOICE: I also noticed that you

1 split Aiken County into four different Senate
2 districts.

3 MR. GREEN: That's correct. Aiken
4 County in this map is just at a juncture with
5 population losses and the low -- certain low
6 country counties and in the PD that it forces
7 cuts into Aiken County to reduce further cuts
8 north.

9 MALE VOICE: Thank you very much.

10 SENATOR RANKIN: Sir, remind me, your
11 name again is?

12 MR. GREEN: My name is Matt Green.

13 SENATOR RANKIN: Okay. And your
14 expertise in drawing maps, not that you have
15 to have any -- like Mr. Roof's whose brain
16 will be loaned to God and the record at the
17 invitation of somebody, but your experience
18 in this?

19 MR. GREEN: Yes, mostly data stuff,
20 but GIS and previous redistricting
21 experience.

22 SENATOR RANKIN: In what capacity?

23 MR. GREEN: As a staff member for the
24 Independent Redistricting Commission in the
25 State of Idaho.

1 SENATOR RANKIN: Okay. Are you a
2 resident of South Carolina?

3 MR. GREEN: I am. I live in Columbia.

4 SENATOR RANKIN: Your answer to
5 Senator Young's question, I would ask you in
6 terms of that split both of his area and that
7 district, as you've described in 19, in your
8 view, does that comport with any of the
9 guidelines that our subcommittee has adopted?

10 MR. GREEN: It makes an attempt to,
11 when the splits do occur tries to keep
12 similar communities together, but inevitably,
13 there are going to be some counties that get
14 split. And in this one by cutting Aiken
15 multiple times, it reduces further splits
16 that would occur.

17 SENATOR RANKIN: And not to be cute,
18 but in fairness, the altar that your plan is
19 worshipping at would be enhancing rural areas
20 of South Carolina to be more represented,
21 correct?

22 MR. GREEN: That's correct, yes.

23 SENATOR RANKIN: All right. Any
24 further questions? Mr. Green, thank you.
25 Sir, Mr. --

1 MR. SUKOVITCH: Sukovitch.

2 SENATOR RANKIN: The emphasis is on
3 the "o".

4 MR. SUKOVITCH: That's correct. Okay.

5 SENATOR RANKIN: You've done
6 outstanding.

7 MR. SUKOVITCH: Thank you very much.

8 SENATOR RANKIN: The emphasis is on
9 the "o".

10 MR. SUKOVITCH: I really appreciate
11 the opportunity.

12 SENATOR RANKIN: All right. We are
13 next going to go to Mr. John -- no, well, is
14 Brett Bursey (phonetic) here? Did Brett make
15 it?

16 SENATOR RANKIN: All right. You were
17 last here. Don't come up yet. We're going
18 to let the gentleman who is here come. He's
19 next on our list. That would be Mr.
20 Cralovitch (phonetic). It pays to be here
21 early, and I rarely know anything about that.
22 So, Mr. Bursey (phonetic) you'll be the last
23 to speak. Mr. Green, you're here with him as
24 well?

25 MR. GREEN: Yes, indeed. I am here

1 again. I did also assist the other John with
2 producing some maps as well.

3 SENATOR RANKIN: Should we delete the
4 record of what you just said and now go with
5 this, these opinions.

6 MR. GREEN: However you would like to
7 add it.

8 SENATOR RANKIN: All right. We will
9 not delete the record. Mr. Cralovitch
10 (phonetic) am I saying that correctly?

11 MR. CRAYLOVITCH: You are, which I'm
12 very impressed by so I appreciate that very
13 much.

14 SENATOR RANKIN: Maybe back away from
15 that mic just a little bit because it is very
16 hot.

17 MR. CRAYLOVITCH: Are you saying I'm
18 too loud for you, Senator?

19 SENATOR RANKIN: Yes, I am, so just
20 back that thing up a little bit.

21 MR. CRAYLOVITCH: All right. That's
22 fair. And here I was going to say we started
23 in your corner of the state just to butter
24 you up and give you some contained districts.

25 SENATOR RANKIN: How about can you get

1 a little closer to that part of the state.

2 You are really hot, so truly.

3 MR. CRAYLOVITCH: Really? Man.

4 SENATOR RANKIN: We've over
5 compensated.

6 MR. CRAYLOVITCH: I'm kind of a quiet,
7 shy guy so I'm a little surprised.

8 SENATOR RANKIN: Pull the mic up.
9 Perfect.

10 MR. CRAYLOVITCH: There you go. Is
11 that better.

12 SENATOR RANKIN: I'm saying
13 effectively away from you just for everybody.
14 Not just for me.

15 MR. CRAYLOVITCH: Does that work?

16 SENATOR RANKIN: Perfect.

17 MR. CRAYLOVITCH: Good.

18 SENATOR RANKIN: We can hear you
19 loudly and clearly.

20 MR. CRAYLOVITCH: Man, my therapist
21 will be delighted. Anyway, I appreciate the
22 opportunity to address you all today, ladies
23 and gentlemen of the subcommittee. I come
24 from York County. My name is John Cralovitch
25 (phonetic). I'm the chairman of the York

1 County Democratic Party. I come from Senate
2 district 16, which as you look at the current
3 map is the one that most resembles Albert
4 Gerry's (phonetic) famous gerrymander. I'm
5 up in the head of the dragon in an
6 unincorporated portion of Fort Mill, and if
7 you've ever been to our part of South
8 Carolina, you know that something like the
9 City of (inaudible) and say the town of Heath
10 Springs have about as much to do with each
11 other as the planets of Mercury and Mars.
12 They are worlds and worlds apart from each
13 other, so in the maps that I've turned in,
14 I've tried to do a few things. Counties, as
15 a whole where possible, no splitting of
16 precincts. I've also used Dave's
17 Redistricting, and that's one of the nice
18 things about Dave's Redistricting. It lets
19 you click precinct by precinct all the way
20 through, and not splitting precincts up makes
21 things a whole lot easier for our local
22 county elections officials. I've got a real
23 good one up in York County named Wanda
24 Hemphill. She does great work. She is very,
25 very good at her job, and I know that the

1 innumerable and complicated ballot styles
2 that we have in York County is frustrating
3 for her, it's difficult for her staff, it's
4 difficult to train on, and it's also
5 expensive making sure you have all of those
6 different ballot styles and the machines to
7 accommodate them available for every election
8 turn. It also confuses people, and there was
9 some discussion of that earlier on.

10 We had an election this week for the
11 mayor of Rock Hill, and in one particular
12 precinct there were more people that showed
13 up who were not in municipal limits than
14 were. People have a tough time mastering
15 exactly which political subdivisions they're
16 in, and by hacking your way through
17 individual precincts when it comes to Senate
18 or Congressional districts just makes that so
19 much more complicated for people to feel
20 comfortable knowing who their elected
21 officials are and knowing who is going to be
22 responsible for amplifying their voice, which
23 as we've heard today I have no problem with.

24 I'm not going to get into all of the
25 particulars of each individual map. I'll do

1 that in written testimony that you guys can
2 go over at your leisure by the fire with a
3 Scotch or a glass of wine in your hand rather
4 than listen to me drone on today, so I'm
5 happy to submit that. If there are any
6 particular questions about the maps, again
7 with these animating principles of trying to
8 keep counties together and not dividing
9 precincts, as you've heard everybody else
10 say, we've tried to keep communities of
11 interest together, suburbs with suburbs,
12 rural with rural and try not to have the kind
13 of thing happen up my way where you've got
14 people sitting on the lake in (inaudible) and
15 folks down in Heath Springs having to be
16 represented by the same character. So with
17 that, I'm happy to answer any questions you
18 all might have.

19 SENATOR RANKIN: (inaudible).

20 MR. GREEN: Yeah, that's the --

21 SENATOR RANKIN: (inaudible).

22 MR. CRAYLOVITCH: Just five.

23 MR. GREEN: There was five, however,
24 one map had a deviation problem that was
25 missed. I believe they redid it as basically

1 another map, it was moving a precinct to
2 bring one -- one -- one district within
3 deviation, so it might have got counted as a
4 whole other map submission I believe. But
5 the big thing for each of the five different
6 maps that were produced, they all like has
7 been said previously, they tried to reduce
8 county splits, and there's a variation of
9 trying to do those so you could see some
10 where Aiken County is not split up into four
11 maybe it's just two districts combined with
12 some other rural parts, keeping cities whole
13 that are not currently and again each map
14 doesn't split any precincts. They are all
15 kept whole. That would be kind of the
16 overarching theme of these different maps.
17 Basically, there's different ways to kind of
18 do all of those things, and here is kind of
19 several different options for those and how
20 to accomplish that.

21 SENATOR RANKIN: This does not
22 (inaudible). This does not with the prior
23 presenter Mr. Sukovitch does not elevate
24 rural districts or does it?

25 MR. GREEN: I would say the maps

1 altogether as a whole do because they try to
2 keep the rural counties whole as possible
3 unless where you run into a deviation problem
4 where you need to split it.

5 SENATOR RANKIN: Okay. Well, you
6 certainly have accomplished the zero precinct
7 or VTD splits in yours, in this one, and
8 likewise, in Newberry's or Mr. Sukovitch's
9 (phonetic) plan, and again similar to his
10 testimony, I'll ask in yours, given our
11 principles for redistricting, do you think
12 that these five comport with what we've
13 adopted and what you know to be a guidepost
14 of what we're supposed to be doing.

15 MR. GREEN: Yes, that's correct, they
16 -- they meet the guidelines, and I think
17 there probably is an argument that each map
18 might do a different guideline a little bit
19 better than another map, but that's why we
20 submitted a variety.

21 SENATOR RANKIN: And this one, I'll
22 give you credit, unlike Mr. Newberry's -- Mr.
23 Sukovitch's plan, you have paired incumbents
24 across the board but only two per district
25 whereas in his you had three incumbents in

1 one district.

2 MR. GREEN: To answer that question,
3 we weren't looking at incumbents, where they
4 lived, so those were just byproducts of
5 trying to keep counties whole, keep cities
6 whole and stay within deviation.

7 SENATOR RANKIN: Mr. Roof appreciates
8 your testimony. Thank you. And not to cut
9 you all off, any other questions of
10 subcommittee members, Mr. Green? Again, say
11 it again.

12 MR. CRAYLOVITCH: You said it
13 perfectly, Cralovitch (phonetic), yes, sir.

14 SENATOR RANKIN: Very good. Have you
15 met Mr. Sukovitch (phonetic)?

16 MR. CRAYLOVITCH: We're friends, yes,
17 sir. All the vitch's in the state, we get
18 together for barbecue regularly, it's true.

19 SENATOR RANKIN: Now I need to turn my
20 mic down, it was too loud. Peace, gentlemen,
21 thank you all so much.

22 All right. Brett Bursey (phonetic),
23 you get the last quick word in the spirit of
24 these fine gentlemen that have presented so
25 efficiently, unlike Mr. Roof with great

1 brevity.

2 MR. BRETT BURSEY: Mr. Rankin, I have
3 something that I have for each of the
4 senators. I'll take them back up. They're
5 \$3 a piece.

6 SENATOR RANKIN: And you have
7 submitted what you are.

8 MR. BURSEY: Yes, sir, they are sent
9 in electronically, but you will be able to
10 see the two at the same time, which will be
11 helpful for you.

12 SENATOR RANKIN: Great.

13 MR. BURSEY: I am Brett Bursey
14 (inaudible). Let me turn my hearing
15 (inaudible). Growing up on Paris Island, I
16 didn't -- the Marines that taught me to shoot
17 skeet told me that hearing protection was for
18 sissies. I can't hear. Okay. We're at 100
19 percent now. Yeah, I'm Brett Bursey, and I'm
20 the executive director of a 26-year-old South
21 Carolina-based research and policy institute
22 called the South Carolina Progressive Network
23 Education Fund. We're fond of pointing out
24 that we didn't set out to be a secret
25 society. People just -- we just don't get

1 much attention.

2 SENATOR RANKIN: Pull that microphone

3 --

4 MR. BURSEY: A little bit closer to
5 me. What I want to do today is tell you a
6 little bit about how I got to be here, that's
7 in that I graduated from segregated Beaufort
8 High School in 1966. I was at the University
9 of South Carolina when the all-white party
10 was the Democrats, and so when I refer to the
11 majority party, I'm simply referring to the
12 people that actually control the votes as
13 they come out of the legislature, and I'm not
14 picking on you as Republicans that inherited
15 a system.

16 I'm also not here today to fit our
17 plan into the existing system. I heard
18 Senator Rankin say when he started these
19 hearings that the existing system is what
20 we're using because it seems to work. And I
21 also heard Dr. Roof, who I have the most
22 extreme respect for because he really knows
23 his job and does -- he does things that can
24 make your system better. What I'm going to
25 present today is for you to take the

1 opportunity to be heros and change your
2 system and that Dr. Roof pointed out that you
3 can't make the voters happy. And I'm going
4 to point out that our proposal, which has
5 been filed in legislation in 2019 and again
6 in 2020 for a citizens redistricting
7 commission would actually make the way we
8 figure more people happy than unhappy
9 inasmuch as the study that we paid the
10 university to do in 2017, which I filed
11 electronically with your staff and this was
12 done by the Institute for Public Service and
13 Policy Research, a graduate level study the
14 university does --

15 SENATOR RANKIN: A quick interruption.
16 You have submitted the Congressional plan for
17 members, and we got a Senate version so this
18 is --

19 MR. BURSEY: You're supposed to have
20 the Senate plan, I'm sorry. Some of those
21 are Senate plans and some are Congressional
22 because the staff wanted both.

23 SENATOR RANKIN: I think we've all got
24 -- either way, we're going to produce a
25 smaller copy.

1 MR. BURSEY: Sure, the benefit of
2 these, ladies and gentlemen, is you can see
3 both because it's a comparative analysis.
4 People are giving you one map, we're giving
5 you two to be able to make our point. So
6 there is one set of these that says
7 Congressional and one that says Senate.
8 Thank you, Senator Rankin, but I want to tell
9 you that we've been working on this for quite
10 some time now because we believe that the
11 current system is flawed.

12 And I'm somebody that's been dealing
13 with Section 5 at the Justice Department for
14 -- well ever since 1990, 1992 when the first
15 thing that happened the first time that
16 Section 5 really kicked in in South Carolina
17 we saw a whole bunch of safe seats for people
18 of color, and we believe that was a deal with
19 the devil that's locked a permanent minority
20 in not just for Black people but for people
21 that believe in democracy and equality.
22 Those that truly believe in democracy and
23 equality, know that it can't just be for
24 some. So I'm speaking up for people that
25 believe that we need a government that

1 represents the interest of the majority of
2 us, and that is going to take equal justice.

3 So I recall having many discussions
4 with the South Carolina desk of the voting
5 rights section of the Civil Rights Division
6 of the U.S. Justice Department with them
7 shaking their head and telling me, well, it
8 may look like it's racial gerrymandering but
9 actually it's political, and that's okay.

10 And it's further -- it's further wrong
11 by the fact that South Carolina is the only
12 state in the nation that doesn't have any
13 laws or constitutional constraints governing
14 the process that you're going through now.

15 You make it up as you go along, and those of
16 us that have been watching this process over
17 the last 40 years, we really feel that James
18 Pettigrew may have been wrong when he said
19 South Carolina was too large to be a lunatic
20 asylum because when you keep doing the same
21 thing over and over again expecting different
22 results that's the definition of insanity.

23 So people are trying to get the best deal
24 that they can out of this currently poorly
25 designed system, and I sense the League of

1 Women Voters, and the ACLU and the Legal
2 Defense Fund and all of these other groups
3 that I respect so much are doing what they
4 can do to get the best deal this time,
5 somebody needs to point out what could be and
6 what should be. You will determine what will
7 be, but I want you to be on record that we
8 are working hard, and have been for some time
9 and will continue to do so to be able to have
10 you support a constitutional amendment on a
11 general election ballot to be able to give
12 the authority to draw the lines to the
13 citizens to get the legislature out of the
14 business.

15 Now, the only four states --

16 SENATOR RANKIN: Mr. Bursey
17 (phonetic), I want to interrupt you this is
18 not the forum for that pitch. I would submit
19 to you that we have heard that --

20 MR. BURSEY: You have not heard a
21 pitch that relates to legislation that's
22 filed before you, sir.

23 SENATOR RANKIN: Respectfully --

24 MR. BURSEY: I don't believe.

25 SENATOR RANKIN: Respectfully, we

1 have, a number of times, and, again, not to
2 cut you off, that is not a conversation that
3 this subcommittee can advance.

4 MR. BURSEY: This is a conversation
5 that needs to be on the record, Senator
6 Rankin. If you will give me just a couple of
7 minutes, I will wrap it up.

8 SENATOR RANKIN: Thank you.

9 MR. BURSEY: Because I have not had
10 the opportunity to present this and I'm the
11 one that's been working on this. Senator
12 Fanning is a sponsor in the senate. Cobb
13 Hunter is a sponsor in the House.

14 SENATOR RANKIN: Okay.

15 MR. BURSEY: This is research that
16 we've done for years that I would like the
17 opportunity to share as you get ready on this
18 momentous occasion. May I proceed?

19 SENATOR RANKIN: Please.

20 MR. BURSEY: Thank you, sir. So what
21 -- to give you an idea of the tide that
22 you're swimming against, the 65 percent of
23 the people of South Carolina that the
24 University of South Carolina Institute for
25 Public Service and Policy Research surveyed

1 in 2017 for us indicated they would prefer
2 the legislature not draw their own lines.
3 And so this is a winning campaign issue.
4 We're going to do what we can to get that --
5 to get you to consider the opportunity to be
6 heroes in the reconstruction of democracy in
7 South Carolina because you know better than
8 anyone how frustrating it is to have the type
9 of gridlock and inability to be able to deal
10 with the common needs of the people.

11 Senator Rankin, you were elected with
12 97 percent of the vote, and the average
13 winning margin in the last four elections has
14 been 70 percent. So that means that 70
15 percent -- well, 70 percent of the people, 70
16 percent of the incumbents right now have no
17 opposition in the general averaged over four
18 election cycles. That means that 70 percent
19 of the citizens like me in Richland County
20 only had one name on the ballot. People are
21 beginning to realize that that looks like an
22 old Soviet style election and that this is
23 really bad theater, and you have an
24 opportunity to be heroes in understanding
25 that the legislature should not make their

1 own rules and draw their own lines and
2 support legislation to put a constitutional
3 amendment on the ballot, general election
4 ballot, to see if the people want to draw
5 their own lines, and that sums it up and
6 there's a lot more information at
7 FairMapsSC.com. Any questions, Senator
8 Rankin? I appreciate it.

9 SENATOR RANKIN: Oh, no, no. Oh, I'm
10 sorry, so yeah, yeah.

11 MR. BURSEY: I was wrapping it up
12 because perhaps this is the wrong forum for
13 this, but I really do want to get this on the
14 record because as I said this is something
15 that I think reflects the interest of 65
16 percent of the people and 50 -- the report
17 that I'm talking about that the University --
18 it was a graduate-level thing. In the back,
19 it shows all 46 counties. They did this
20 extensive interview, and the result was that
21 the majority of the Republican party agrees
22 that you shouldn't draw the lines. At some
23 point, you're going to have to change. If
24 you don't get in front of that, you're going
25 to lose your seat.

1 SENATOR RANKIN: Right. And, again,
2 I'm not -- I thought you were wrapping that
3 portion of your testimony up, but did you
4 have anything else to speak because we do
5 have some questions about what you submitted.

6 MR. BURSEY: I did want to point out
7 about the maps and what the -- what the --
8 how they were drawn, so this is with
9 exception of apologies to Senator Sen
10 (phonetic). The maps were drawn by people
11 that used all of the criteria that Dr. Roof
12 used with two exceptions. One, these are
13 drawn by an illustrator that didn't get them
14 until last night, I apologize, and that
15 Senator Sen's (phonetic) district 41 in the
16 current should be yellow as competitive. And
17 I would speak to Senator Harpootlian's
18 district being one of the ones that's
19 competitive this year, and the fact that
20 they're competitive indicates Senator
21 Harpootlian's predecessor, Senator Corsen
22 (phonetic) he was a member of the Sierra Club
23 and went to the League of Women Voters.

24 So what we're looking for is for you
25 to win your race and have to represent people

1 that don't look like you or necessarily think
2 like you. It's called democracy, and so the
3 map that you see on the top is the way it is
4 now, given a 5 percent variation, winners
5 winning by no more than 55 percent. And so
6 that map below that is what it would look
7 like if you did not consider communities of
8 interest and -- and took the citizens that
9 were found in the 2020 census and
10 reapportioned them by competition metric
11 including the other metrics that you can stay
12 as close to as possible, whether it be
13 contiguity and boundaries, precincts, et
14 cetera. We did not include communities of
15 interest because it would be phony to do
16 that.

17 There's no way that the communities
18 know what interest is. The bill that we
19 introduced for Citizens Redistricting
20 Commission would have said commission doing
21 educational work and involving the citizens
22 in a much greater fashion than has ever
23 happened since 19 -- whenever we started
24 doing this, the 1992 -- the 1990 census was
25 when it really kicked. But the citizens,

1 this is a mythical thing that happens once
2 every ten years and like cicadas coming up
3 from the ground after sleeping, they go, oh,
4 it's gerrymandering time, let's fight it.
5 But we're using the same system and the same
6 tools to deal with it. The system is not
7 right, sir, gentlemen and ladies.

8 So what we're doing is proposing to
9 you what should be and giving you a
10 methodology to do so. The four states that
11 have taken the power of drawing the lines
12 away from the people that benefit from
13 drawing the lines, those states have the
14 constitutional right for citizens to take up
15 petitions, put them on a ballot and vote on
16 it. 27 states don't. We're one of those
17 states. But if you read our FairMapsSC
18 methodology, we do have something you all
19 voted on I'm sure as a county bond issue for
20 libraries or maybe for a penny tax or
21 something, that the citizens in South
22 Carolina in a county can circulate a petition
23 and get 15 percent of the county's residents
24 to sign that petition, which we have an
25 amendment a constitutional amendment filed,

1 predicated on that before your body, but 15
2 percent of the citizens in your county,
3 Senator Rankin could then decide that, yes,
4 we don't want you to draw your own lines, and
5 see if we took up those petitions in
6 somebody's home district, we would surely get
7 more of their own constituents than was able
8 to vote for them because so many people are
9 winning in a primary with a major turnout,
10 maybe 17 percent of the Republican party
11 generally speaking, no more than 20 percent
12 all together, so that the numbers are bad for
13 the incumbents. This may take a while, but
14 this will happen as the people want to be
15 able to have something that is more
16 representative that tries to solve the -- get
17 the things that we agree with that we all
18 need done, and then we'll argue over what we
19 disagree with. I'll take any questions you
20 may have.

21 SENATOR RANKIN: Senator Margie
22 Bright.

23 SENATOR BRIGHT: I will preface my
24 question by first saying I haven't studied
25 this long enough, the map that you've

1 proposed. Is part of what I'm understanding
2 you believe is that we need to make these
3 Senate districts more competitive?

4 MR. BURSEY: Yes. You heard Dr. Roof
5 say that competition is the one thing that we
6 can't mandate.

7 SENATOR BRIGHT: And I totally
8 understand and get that, but in analyzing the
9 current district boundaries and the proposed
10 ones that you have here, it seems that
11 there's not a -- and maybe I need to look a
12 little bit harder, but it doesn't seem like
13 it necessarily increases competition.

14 MR. BURSEY: The magic numbers,
15 Senator Matthews, is in the competitive
16 number of seats in the maps that we propose,
17 the bottom right-hand panel. The competitive
18 seats move from 6 to 17 and your safe
19 democratic seats move from 11 to 4, so that
20 adds up to 21, and that the -- the number of
21 Republican seats falls to 25, and so the
22 Republicans are still in charge. There are
23 more of them than there are others, but the
24 fact is it will make those districts that are
25 competitive, the people that run, whether

1 they are from a Democratic party or
2 Republican party are going to have to reach
3 across the aisle and be able to have a base
4 platform that appeals to the majority of
5 voters in those competitive districts.

6 SENATOR BRIGHT: I get it now.

7 MR. BURSEY: That's what we're
8 seeking.

9 SENATOR BRIGHT: I was comparing the
10 block on the top map versus the block on the
11 bottom --

12 MR. BURSEY: Yes, ma'am.

13 SENATOR BRIGHT: -- map instead of
14 just comparing just one. I've got it now.

15 MR. BURSEY: And there's a rather in-
16 depth tutorial at FairMapsSC.com.

17 SENATOR BRIGHT: A tutorial, thank
18 you.

19 MR. BURSEY: Yes, ma'am.

20 SENATOR BRIGHT: Believe it or not I'm
21 going to look at it though.

22 MR. BURSEY: Senator Rankin, any more
23 questions? I'm going to leave you with one
24 of the prevailing quotes of the day from
25 Washington's farewell address. He begged us

1 not to start parties. He said you'll end up
2 with two that fight amongst themselves, I'm
3 paraphrasing now, for money and power, and
4 I'm hoping that we can get to a point where
5 people get elected because of what they
6 believe and what they stand for and how their
7 constituents believe they are going to
8 improve their lives.

9 SENATOR RANKIN: With that, sir, I
10 welcome you to pay attention to the calendar.
11 Though you haven't said it, it has been said,
12 but surely nowhere nearly as eloquently as
13 you and perhaps in your view nobody was
14 listening, but you'll get a chance to make
15 that pitch about other's bills to create
16 commissions, et cetera, et cetera, hereafter,
17 but respectfully though you have not come
18 before --

19 MR. BURSEY: Thank you for your
20 forbearance. I've seldom been put down with
21 such politeness. You're a great master.

22 SENATOR RANKIN: No intent, I promise.
23 But my mother -- if that's a complement, I'm
24 hoping she's listening, so.

25 MR. BURSEY: We may be moving into

1 your district.

2 SENATOR RANKIN: Very good, call me if
3 you need me, 555-1212. You're old enough to
4 remember that is the information line, sir.

5 MR. BURSEY: Appreciate our time.

6 SENATOR RANKIN: All right. I think
7 that wraps up the presentation. Gentlemen,
8 ladies, thank you all, Zoomers and those in
9 person for attending, and as said at the
10 outset in terms of where we're going here,
11 again, the next act out of our body will be,
12 again, the subcommittee and staff to start
13 distilling what we've heard and hopefully
14 come up with a plan that this subcommittee
15 can work towards a passage and then to a full
16 committee. Likewise, we've announced the
17 date of deadline for congressional
18 submissions by November 1st, and ladies,
19 gentlemen, thank you all. Have a great rest
20 of your week.

21 Mr. Bursey, y'all get his attention if
22 you will.

23 MR. BURSEY: \$3, you can have one.

24 SENATOR RANKIN: Great, we're going to
25 collect those and give them back. We'll keep

1 one.

2 [Ending of Audio Recording]

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CERTIFICATE

I, Trisha Ruckart, do hereby certify that I was authorized to and transcribed the foregoing recorded proceedings and that the transcript is a true record, to the best of my ability.

DATED this 27th day of December, 2021.



TRISHA RUCKART, CVR-CM